

Message

From: Baker, Sarah [baker.sarah@epa.gov]
Sent: 10/30/2019 7:02:08 PM
To: Massey, Lana [massey.lana@epa.gov]
CC: Johnson, Yvonne W [Johnson.Yvonne@epa.gov]; Long, Pam [Long.Pam@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]
Subject: Anne Idsal Briefing Request
Attachments: Idsal Meeting Request 10-30-2019.docx

Lana-

Attached is a briefing request for Anne Idsal to provide her a status update on where we are with the biogenic CO2 rulemaking. Please let me know if there is any information missing. Thanks.

Sarah

Sarah Baker
Environmental Protection Specialist
Air Quality Policy Division, Operating Permits Group
U.S. EPA, Office of Air Quality Planning and Standards
(919) 541-4846 / baker.sarah@epa.gov

Message

From: Baker, Sarah [baker.sarah@epa.gov]
Sent: 1/2/2020 9:40:37 PM
To: Kornylak, Vera S. [Kornylak.Vera@epa.gov]
CC: Vetter, Cheryl [Vetter.Cheryl@epa.gov]
Subject: Draft Briefing Paper
Attachments: Biogenic CO2 Peter Briefing 1-9-20.docx

Vera-

Attached is a draft briefing paper for next week's briefing with Peter. We thought we could discuss it tomorrow morning during our scheduled meeting. Thanks!

Sarah

Sarah Baker
Environmental Protection Specialist
Air Quality Policy Division, Operating Permits Group
U.S. EPA, Office of Air Quality Planning and Standards
(919) 541-4846 / baker.sarah@epa.gov

Message

From: Hunt, Tim [Tim_Hunt@afandpa.org]
Sent: 10/28/2019 6:50:25 PM
To: Steller, John [Steller.John@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Ohrel, Sara [Ohrel.Sara@epa.gov]
CC: Johnson, Yvonne W [Johnson.Yvonnew@epa.gov]
Subject: RE: Biogenic PSD 11/1 meeting

John, I will get you the list of names shortly, I have a partial list of ten folks with a few others I am checking with.

Do you have a list of whose coming or joining by phone from your end? Tim

From: Steller, John <Steller.John@epa.gov>
Sent: Monday, October 28, 2019 8:51 AM
To: Hunt, Tim <Tim_Hunt@afandpa.org>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Ohrel, Sara <Ohrel.Sara@epa.gov>
Cc: Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>; Noe, Paul <Paul_Noel@afandpa.org>; Chip Murray <cmurray@nafoalliance.org>
Subject: RE: Biogenic PSD 11/1 meeting

Great, thanks Tim. Following up, I've reserved Room 4349 here in DC for our discussion this Friday. It is a larger room so we shouldn't have a problem with our expected number of people. Please let me know the names of attendees and I will get them to our security desk. As Sara had mentioned, given the number of people we are expecting I would plan to arrive 15 minutes ahead of time to get through security at the main South entrance.

Thanks,
John

From: Hunt, Tim <Tim_Hunt@afandpa.org>
Sent: Wednesday, October 23, 2019 10:12 AM
To: Steller, John <Steller.John@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Ohrel, Sara <Ohrel.Sara@epa.gov>
Cc: Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>; Noe, Paul <Paul_Noel@afandpa.org>; Chip Murray <cmurray@nafoalliance.org>
Subject: RE: Biogenic PSD 11/1 meeting

Thanks John. Yes, I would expect a group of similar size, perhaps even a few more than last time with a couple of Enviva folks. Tim

From: Steller, John <Steller.John@epa.gov>
Sent: Wednesday, October 23, 2019 10:07 AM
To: Hunt, Tim <Tim_Hunt@afandpa.org>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Ohrel, Sara <Ohrel.Sara@epa.gov>
Cc: Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>; Noe, Paul <Paul_Noel@afandpa.org>; Chip Murray <cmurray@nafoalliance.org>
Subject: RE: Biogenic PSD 11/1 meeting

Good morning Tim,

Thank you for providing the two documents, we will send them around to folks here. And thank you for providing the names of attendees ahead of next week's meeting, do you expect a similar number of folks as the last meeting? If so, I will look to reserve a larger conference room given we were short on space last meeting.

Thanks,
John

John Steller
U.S. Environmental Protection Agency
Office of Atmospheric Programs
Steller.John@epa.gov
202-343-9319

From: Hunt, Tim <Tim_Hunt@afandpa.org>
Sent: Monday, October 21, 2019 5:59 PM
To: Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Ohrel, Sara <Ohrel.Sara@epa.gov>; Steller, John <Steller.John@epa.gov>
Cc: Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>; Noe, Paul <Paul_Noel@afandpa.org>; Chip Murray <cmurray@nafoalliance.org>
Subject: Biogenic PSD 11/1 meeting

Vera, Sara, and John,

Thank you and Yvonne again for pulling together OAQPS and Climate Programs staff to meet with us on November 1 at 10 AM at EPA's offices in DC.

To make the meeting as productive as possible, we are providing that attached paper titled, "Policy Option Considerations". Please share it with others expected to attend the meeting or involved with the rulemaking. We hope that attendees can read it in advance so we can spend our limited time discussing key aspects of the paper and answering your questions. Knowing that you are developing a proposed rule and understanding your procedures, we would expect this material to be placed in the rulemaking docket.

In addition, we are attaching a recent statement from members of the National Association of University Forest Resources Programs, which reiterates key points in their prior letter to Administrator McCarthy on November 6, 2014 on the science fundamentals of forest biomass carbon accounting.

Finally, as for an agenda for the meeting, after introductions it would be focused on the points presented in the paper concerning how forest planting and growth will offset bioenergy demands given forest economics. If helpful, we could break the discussion into each of the four major sections of the paper:

- Introductions
- Review of SAB work
- Biomass residuals and biowastes
- Next steps

I will provide you a list of attendees from AF&PA, AWC, NAFO and Enviva closer to the meeting to help with security clearance into the building. Let me know which room we will be gathering in.

Thank you,

Timothy Hunt
Senior Director, Air Quality Programs
AMERICAN FOREST & PAPER ASSOCIATION
AMERICAN WOOD COUNCIL
1101 K Street, NW, Suite 700, Washington, DC 20005
Office: 202-463-2588
Email: thunt@awc.org or Tim_Hunt@afandpa.org

Message

From: Johnson, Yvonne W [Johnson.Yvonnew@epa.gov]
Sent: 10/16/2019 3:52:44 PM
To: Tim_hunt@afandpa.org
CC: Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Ohrel, Sara [Ohrel.Sara@epa.gov]
Subject: RE: voicemail PSD meeting

Several folks are unavailable today so give me until tomorrow to get back with you on place.

Thank you,

Yvonne W. Johnson

Special Assistant to the Director
Air Quality Policy Division
Office of Air Quality Planning & Standards
U.S. Environmental Protection Agency
919-541-3921
johnson.yvonnew@epa.gov

From: Hunt, Tim <Tim_Hunt@afandpa.org>
Sent: Wednesday, October 16, 2019 11:41 AM
To: Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>
Cc: Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Ohrel, Sara <Ohrel.Sara@epa.gov>
Subject: Re: voicemail PSD meeting

Thanks Yvonne.

We would like it to be a face to face ideally here in DC but might be willing to travel. Do you have a preference for location if face to face?

And yes, we can get material well in advance of gathering and an agenda.

Tim Hunt
Sent from my iPhone

On Oct 16, 2019, at 11:35 AM, Johnson, Yvonne W <Johnson.Yvonnew@epa.gov> wrote:

We would like to propose November 1, 10-11. I am assuming this would be a phone meeting. Please confirm. Also, if you could provide us with an agenda for the call and if there will be any written materials you would like us to review or discuss could you provide at least 48 hours in advance. Thank you.

Thank you,

Yvonne W. Johnson

Special Assistant to the Director
Air Quality Policy Division
Office of Air Quality Planning & Standards

U.S. Environmental Protection Agency
919-541-3921
johnson.yvonnew@epa.gov

From: Hunt, Tim <Tim_Hunt@afandpa.org>
Sent: Friday, October 11, 2019 2:59 PM
To: Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>
Cc: Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Ohrel, Sara <Ohrel.Sara@epa.gov>
Subject: RE: voicemail PSD meeting
Importance: High

Yvonne,

I wanted to get back to you on possible dates for a meeting on the PSD biomass proposal. I think we will need an hour given some of the new material we want to review/discuss (to be provided shortly). The timeframes that work for key participants from AF&PA, AWC and NAFO are:

- Oct 17 11 to 1 PM
- Oct 30 1 to 2:30
- Oct 31 12 to 3:30
- Nov 1 10 to 12.

Since one of the dates is next week, I wanted to let you know as soon as possible. Let me know if you need more information. It will be many of the same people that met with EPA staff on September 4th in DC.

Thanks,

Timothy Hunt
Senior Director, Air Quality Programs
AMERICAN FOREST & PAPER ASSOCIATION
AMERICAN WOOD COUNCIL
1101 K Street, NW, Suite 700, Washington, DC 20005
Office: 202-463-2588
Email: thunt@awc.org or Tim_Hunt@afandpa.org

From: Kornylak, Vera S. <Kornylak.Vera@epa.gov>
Sent: Tuesday, October 8, 2019 4:53 PM
To: Hunt, Tim <Tim_Hunt@afandpa.org>
Cc: Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>
Subject: voicemail

Hi Tim – thanks for your voicemail. It sounds like you are interested in scheduling a meeting. If so, please coordinate with Yvonne. We would recommend such a meeting include the usual contacts (including the attorneys from EPA). If you want to send us some dates/times we can see about availability.

Vera

Vera Kornylak || Acting Associate Director
Air Quality Policy Division || OAQPS
919-541-4067 || kornylak.vera@epa.gov

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Message

From: Vetter, Cheryl [Vetter.Cheryl@epa.gov]
Sent: 12/19/2019 9:55:19 PM
To: Baker, Sarah [baker.sarah@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]
Subject: From the appropriations bill - passed, but not signed

POLICIES RELATING TO BIOMASS ENERGY 4 SEC. 440. To support the key role that forests in the United States can play in addressing the energy needs of the United States, the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency shall, consistent with their missions, jointly— (1) ensure that Federal policy relating to forest bioenergy— (A) is consistent across all Federal departments and agencies; and (B) recognizes the full benefits of the use of forest biomass for energy, conservation, and responsible forest management; and (2) establish clear and simple policies for the use of forest biomass as an energy solution, including policies that— (A) reflect the carbon-neutrality of forest bioenergy and recognize biomass as a renewable energy source, provided the use of forest bio mass for energy production does not cause conversion of forests to non-forest use; (B) encourage private investment throughout the forest biomass supply chain, including in— (i) working forests; (ii) harvesting operations; (iii) forest improvement operations; (iv) forest bioenergy production; (v) wood products manufacturing; or (vi) paper manufacturing; (C) encourage forest management to improve forest health; and (D) recognize State initiatives to produce and use forest biomass.

Cheryl Vetter
U.S. Environmental Protection Agency
OAQPS/AQPD/OPG (C504-03)
Research Triangle Park, NC 27711
Phone (919) 541-4391 Fax (919) 541-5509
Note: Positions or views expressed here do not represent official EPA policy.

Purpose

- AF&PA scheduled the meeting to present its position supporting a rule exempting biogenic CO₂ from PSD and title V regulations.
 - AF&PA distributed documents during the meeting.

Attendees

- AF&PA
- NAFO
- NCASI
- USDA (Bill Hohenstein was invited by AF&PA to participate)
- EPA

AF&PA Positions

- AF&PA discussed two approaches for evaluating carbon stocks:
 - Modeling Approach – AF&PA believes this approach would lead to false predictions.
 - Carbon stocks approach – this is their preferred approach as they believe it is more direct and straight forward and more in line with how other countries calculate carbon stocks.
- AF&PA believes that forest derived biogenic CO₂ should be categorically excluded from regulation because:
 - Regulating this pollutant would have a de minimis impact;
 - There is no regulatory benefit in regulating since it does not result in an increase of CO₂. Burning biomass today will cause more to be sequestered because of the free market, i.e. if biomass is incentivized than the market will support forest increases.
 - EPA is not bound by the SAB findings
- AF&PA has confidence that carbon stocks will be maintained or increase in the near future and that burning biomass will not affect these stocks.

Message

From: Schwartz, Jerry [Jerry_Schwartz@afandpa.org]
Sent: 8/8/2019 7:41:59 PM
To: Johnson, Yvonne W [Johnson.Yvonnew@epa.gov]; Tim_hunt@afandpa.org; Kornylak, Vera S. [Kornylak.Vera@epa.gov]
CC: Vetter, Cheryl [Vetter.Cheryl@epa.gov]; Ohrel, Sara [Ohrel.Sara@epa.gov]; Tim_hunt@afandpa.org
Subject: RE: Your call
Attachments: ATT00001.txt

Thanks for the quick response Yvonne. I will get back with you soon.

From: Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>
Sent: Thursday, August 8, 2019 2:51 PM
To: Schwartz, Jerry <Jerry_Schwartz@afandpa.org>; Hunt, Tim <Tim_Hunt@afandpa.org>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>
Cc: Vetter, Cheryl <Vetter.Cheryl@epa.gov>; Ohrel, Sara <Ohrel.Sara@epa.gov>; Hunt, Tim <Tim_Hunt@afandpa.org>
Subject: RE: Your call

Unfortunately, the earliest I can get a call in with the people you suggested is September 4, 11:00 – 12:00 (eastern). Call-in number 919-541-4248. One of the reasons is that we have the AAPCA conference here in Raleigh the week of August 26. Please confirm if this date and time will work for you. Thank you.

Thank you,

Yvonne W. Johnson

Special Assistant to the Director
Air Quality Policy Division
Office of Air Quality Planning & Standards
U.S. Environmental Protection Agency
919-541-3921
johnson.yvonnew@epa.gov

From: Schwartz, Jerry <Jerry_Schwartz@afandpa.org>
Sent: Thursday, August 08, 2019 2:30 PM
To: Tim_hunt@afandpa.org; Kornylak, Vera S. <Kornylak.Vera@epa.gov>
Cc: Vetter, Cheryl <Vetter.Cheryl@epa.gov>; Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>; Ohrel, Sara <Ohrel.Sara@epa.gov>; Tim_hunt@afandpa.org
Subject: RE: Your call

Hi Vera and Yvonne—thanks for getting back to us.

Yvonne, I understand that you can coordinate scheduling for the three offices involved. Below are the people we request for the meeting:

OGC: Brian Doster, Nora Greenglass
OAP: Sara Ohrel, John Steller, Allen Fawcett, Paul Gunning
OAQPS: Scott Mathias, Cheryl, Vera, and the new staff person assigned to the rule (my apologies, I didn't catch the name from Tim before he left on vacation).

In terms of dates, to get the ball rolling, I suggest we shoot for the later part of the week of August 19 or the week of August 26th.

Thanks Yvonne for doing the coordination among the offices. Please let me know if you need additional information. Jerry

Jerry Schwartz

Senior Director

Energy and Environmental Policy

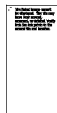
Jerry_Schwartz@afandpa.org

(202) 463-2581

AMERICAN FOREST & PAPER ASSOCIATION

1101 K Street, N.W., Suite 700

Washington, D.C. 20005



From: Hunt, Tim <Tim_Hunt@afandpa.org>

Sent: Thursday, August 8, 2019 10:36 AM

To: 'Kornylak, Vera S.' <Kornylak.Vera@epa.gov>

Cc: Vetter, Cheryl <Vetter.Cheryl@epa.gov>; Schwartz, Jerry <Jerry_Schwartz@afandpa.org>; Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>

Subject: RE: Your call

Thanks Vera. I am including my colleague Jerry who is picking this up while I am on vacation. Tim

From: Kornylak, Vera S. <Kornylak.Vera@epa.gov>

Sent: Thursday, August 8, 2019 8:26 AM

To: Hunt, Tim <Tim_Hunt@afandpa.org>

Cc: Vetter, Cheryl <Vetter.Cheryl@epa.gov>; Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>

Subject: Your call

Hi Tim, thanks for your voicemail and the heads up that you would like to schedule time to talk with EPA about the biogenic CO2/PSD rule.

Please coordinate with Yvonne Johnson (919-541-3921) (also on this email) to set up a time when the relevant folks here in OAQPS would be able to attend. I appreciate you are also coordinating with OAP, but for our office, I'd request that you coordinate with Yvonne.

I hope you have a nice vacation.

Vera

Vera Kornylak || Acting Associate Director
Air Quality Policy Division || OAQPS

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Permitting Program Updates

MATT SPANGLER

OPERATING PERMITS GROUP, AIR QUALITY POLICY DIVISION
OFFICE OF AIR QUALITY PLANNING AND STANDARDS
AAPCA FALL BUSINESS MEETING, AUGUST 2019

Overview

- Stakeholder Input and EPA Air Permitting Priorities
- Phase 1 NSR Actions
- Phase 2 NSR Actions
- Other Permitting Actions and Updates



Stakeholder Input and EPA Air Permitting Priorities

- Stakeholder Input
 - Presidential Memorandum: “Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing”
 - E.O. 13777: “Enforcing the Regulatory Reform Agenda”
 - General Themes
 - Permit Processing: Reduce timelines; allow more activities to proceed prior to receipt of permit
 - NSR Applicability: Streamline applicability determination process; provide flexibility and reduce number of projects subject to burdensome requirements
 - Control Technology: Simplify BACT determination process
 - Air Quality Impacts: Improve models; reduce conservatism; address ambient air issues
 - Emission Offsets: Provide more flexibility to expand offset availability
- Consistent with Stakeholder Input and Administration priorities, EPA is taking steps to clarify, revise, and streamline the NSR permitting program



Phase 1 NSR Actions

Phase 1

Phase 2

- Actual-to-Projected-Actual Applicability Test Memo
- Project Emissions Accounting (Guidance, Rule)
- Source Aggregation Guidance (Common Control, Adjacency)
- PM_{2.5} and Ozone SILs Guidance
- Project Aggregation Reconsideration Final Action
- Ambient Air Guidance
- Affordable Clean Energy Rule NSR Applicability Test
- Treatment of Biogenic CO₂ from Biomass Combustion



Actual-to-Projected-Actual Applicability Test Memo

- **Memorandum: “New Source Review Preconstruction Permitting Requirements: Enforceability and Use of the Actual-to-Projected-Actual Applicability Test in Determining Major Modification Applicability”**
 - Signed by Administrator Pruitt 12/7/17
 - Where a source projects an insignificant emissions increase, the level of actual emissions after the project governs applicability
 - Projections may reflect the intent to actively manage post-project operations in order to prevent a significant emissions increase from occurring
 - EPA will not second guess NSR applicability analyses that comply with the procedural requirements of the regulations



Project Emissions Accounting

- **Memorandum: “Project Emissions Accounting Under the New Source Review Preconstruction Permitting Program”**
 - Signed by Administrator Pruitt on 3/13/18 (83 FR 13745; 3/30/18)
 - Memo Communicates EPA’s interpretation that the current NSR regulations provide that emissions decreases as well as increases are to be considered at Step 1 of the NSR applicability process, i.e., determining whether a project will result in a significant emissions increase
- **Proposed Rule (84 FR 39244, 8/9/19)**
 - Proposing revisions to the NSR regulations to fully clarify that both increases and decreases resulting from a project are to be accounted for under Step 1 of the applicability process for all project categories
 - Although the existing language in the NSR regulations supports this interpretation, rulemaking proposal is intended to clarify that and eliminate any uncertainty



Source Aggregation

- **Common Control – Meadowbrook Letter**

- 4/30/18 letter to PA DEP clarified EPA's interpretation of "common control"
- Letter explains EPA's view that control means the power or authority of one entity to dictate decisions of the other that could affect the applicability of, or compliance with, relevant air pollution regulatory requirements

- **Common Control – Ameresco Letter**

- 10/16/18 letter to WI DNR further clarified EPA's interpretation of "common control"
- In a situation where two entities each exercise some level of control of a single, limited aspect of otherwise separate operations, it is reasonable to conclude that they are separate sources
- Shared activities should be allocated to a single source to avoid unworkable outcomes

- **Adjacency**

- 2016 Rulemaking clarified "adjacent" for oil and gas operations (within ¼ mile + shared equipment)
- **9/5/18: "Draft Guidance: Interpreting Adjacent for New Source Review and Title V Source Determinations in All Industries other than Oil and Gas"**
 - EPA interprets "adjacent" to mean physical proximity; No bright line or fixed distance
 - For operations not in physical proximity, the existence of functional interrelationship shall not be invoked to establish adjacency



PM_{2.5} and Ozone SILs Guidance

- **Guidance on Significant Impact Levels (SILs) for Ozone and Fine Particles in the Prevention of Significant Deterioration Permitting Program**
 - Signed 4/17/18 (Peter Tsirigotis, OAQPS)
 - Revised PM_{2.5} SILs/new ozone SILs:
 - Based on new technical approach and legal rationale
 - Streamline the air dispersion modeling process for PSD
 - Guidance comprised of (1) Policy memorandum; (2) Technical document and (3) Legal support document
 - Where SILs are used, reference all three and include in any permit record
 - Not final agency action; not binding for industry, permitting authorities, or the public



Project Aggregation Reconsideration

- Background:
 - 2009 “Interpretive Rule” for Project Aggregation Established “substantially related” criterion for aggregating projects, and a 3-year rebuttable presumption against aggregating
 - NRDC petitioned for reconsideration and sued EPA on the 2009 Rule
 - EPA granted reconsideration and stayed the effectiveness of the 2009 Rule pending completion of the reconsideration or litigation
- Final Action--Reconsideration Final Rule (83 FR 57324; 11/15/18):
 - Retains the 2009 Rule without amending the rule text or the 2009 interpretation
 - Addresses notice and comment deficiencies and responds to other issues raised by NRDC
 - Lifts the stay of the 2009 Rule, making the rule effective



Ambient Air Policy

- EPA defines “*ambient air*” as “that portion of the atmosphere, external to buildings, to which the general public has access” (40 CFR 50.1(e))
 - EPA’s longstanding policy for implementing ambient air for PSD purposes was stated in a 1980 Costle letter, “*the atmosphere over land that is owned or controlled by the source and to which public access is precluded by a fence or other physical barriers*”
 - Subsequent guidance provided over the years by EPA to recommend how to apply 1980 policy statement for specific situations
- **Draft policy “Revised Policy on Exclusions from Ambient Air” issued 11/9/18**
 - Limited change to the way EPA applies regulatory definition of ambient air
 - Change replaces specific concept of a fence or other physical barriers with *measures, which may include physical barriers, that are effective in deterring or precluding access to the land by the general public*



ACE Rule EGU Hourly Emissions Test

- As part of the ACE proposed rule, EPA proposed to incorporate an hourly emissions test for NSR modification applicability for EGUs
- Three options proposed
- Hourly test would be a tool for states to implement the ACE rule; adoption would not be mandatory
- NSR rulemaking severed from 6/19 final ACE rule
- We're working on it

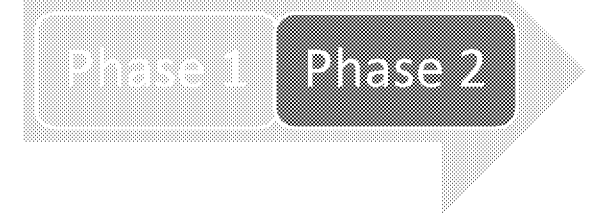


Treatment of Biogenic CO₂ in Air Permitting

- FY2017 and FY2019 Consolidated Appropriations Act outlines how EPA and other agencies are to establish consistent policies regarding the use of forest biomass for energy production including policies that reflect the carbon-neutrality of forest bioenergy
- 4/18 EPA policy statement: Forthcoming regulatory actions will treat biogenic CO₂ resulting from the combustion of biomass from managed forests at stationary sources for energy production as carbon neutral
- We're working on it



Phase 2 NSR Actions



- Tribal NSR Oil & Gas FIP
- NSR Error Corrections Rule
- Plantwide Applicability Limit Guidance
- NSR Actual-to-Projected-Actual Applicability Test Guidance
- Begin Actual Construction Guidance
- NSR Rule Reconsiderations
- E-Guidance Compendium
- Training



Phase 2 NSR Actions (cont.)

- Tribal NSR Oil & Gas FIP
 - Proposed rule Part I Registration Form streamlining amendment, (84 FR 33715, 7/15/2019); comment period closes 9/13/19
- NSR Error Corrections Rule
 - Stand-alone rule to correct errors in NSR regulation
- Plantwide Applicability Limit (PAL) Guidance
 - PAL regulations were established as part of 2002 NSR reform
 - Guidance would address elements of the PAL regulations that stakeholders have identified as sources of perceived risk/disincentive
- NSR Actual-to-Projected-Actual Applicability Test Guidance
 - Guidance would address certain elements of the 2002 NSR reform rule applicability regulations



Phase 2 NSR Actions (cont.)

- Begin Actual Construction Guidance
 - Sources cannot legally “begin actual construction” of a major source or major modification without first obtaining a major NSR permit
 - Guidance would explore potential flexibilities under the existing regulatory language to allow certain non-emitting activities to be undertaken prior to obtaining a permit
- NSR Rule Reconsiderations (in progress)
 - Reasonable Possibility Rule
 - Fugitive Emissions Rule
 - Ethanol Rule
- E-Guidance Compendium
 - Enhancement to current NSR website organizing current guidance documents in NSR index by topic
- Training



Other Permitting Actions and Updates

- MACT Once In Always In Policy (Guidance, Rule)
- Title V Petitions & Petitions Process Rule
- Title V Petitions: NSR Interface
- Permitting Process Improvements



MACT Once In Always In Policy

- **Memorandum: “Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act” (“MM2A memo”)**
 - Signed by AA Bill Wehrum 1/25/18
 - Memo addresses when a major source subject to a maximum achievable control technology (MACT) standard, under section 112 of the Clean Air Act (CAA), may be reclassified as an area source and no longer subject to MACT requirements
 - Withdraws 1995 Seitz memo “Once In Always In” (OIAI) policy, which required major sources to limit potential to emit to below the major source threshold by the first compliance date to be treated as an area source
 - *Major source becomes area source at such time that source takes an enforceable limit on its potential to emit HAP below the major source thresholds (10 tons per year [tpy] of a single hazardous air pollutant or 25 tpy of any combination of HAP)*
- **2019 MM2A Proposal (84 FR 36304, 7/26/2019)**
 - Addresses questions received after 2018 MM2A Memorandum issued
 - Reclassification process; Criteria for establishing effective PTE HAP limitations
 - Supersedes and replaces 2007 NPRM NESHAP: General Provision Amendments; addresses reclassification issues covered in 2007 NPRM
 - Timing for compliance with applicable NESHAP standards; Notification requirements; Recordkeeping requirements; Interaction with enforcement actions



Title V Petitions & Petitions Process Rulemaking

- Title V Petitions continue to be a substantial work load

	FY 2018	FY2019 (to date)
Petitions Received	11	9
Petitions Resolved	34	19

- Trends: Increased focus on wood pellet manufacturing
- Title V Petitions Process Rulemaking**
 - Proposed rule August 15, 2016 (81 FR 57822); Final expected Summer/Fall 2019
 - Proposal included changes in 3 key areas: method of petition submittals, required content/format of petitions; administrative record requirements for states.



Title V Petitions – NSR Interface

- PacifiCorp Hunter Order (10/16/2017) – EPA will not look back at decisions made in NSR permitting process in the context of title V
 - Permitting agencies and EPA need not reevaluate- in the context of title V permitting, oversight, or petition responses- previously issued final preconstruction permits, especially those that have already been subject to public notice and comment and an opportunity for judicial review
 - Concerns with these final preconstruction permits should instead be handled under the authorities found in title I of the Act (e.g., enforcement actions under CAA § 113 or 167, state court appeals of preconstruction permits, or citizen enforcement actions under CAA § 304)
 - Where a final preconstruction permit has been issued, whether it is a major or minor NSR permit, the terms and conditions of that permit should be incorporated as "applicable requirements"
- Big River Steel Order (10/31/2017) – Applies same interpretation to fact set involving merged NSR/Title V program



Permitting Process Improvements

- Increased use of electronic systems
 - Central Data Exchange (CDX) for receipt of title V petitions
 - Electronic Permitting System (EPS)
 - Working with 35 state and local programs to develop system that will allow electronic submittal of state-issued NSR, title V, and other permits for EPA review
 - Also electronic processing of EPA-issued NSR and title V permits
 - Replacing and modernizing RACT/BACT/LAER Clearinghouse
- EPA Permit Oversight Policy & Framework
 - Goal is to develop a national approach to oversight of permits and permitting programs that is consistent and standardized
 - Would apply to the following EPA & state permit programs: NSR, Title V, NPDES, Underground Injection Control (UIC), and RCRA



Questions and Comments



Message

From: Schwartz, Jerry [Jerry_Schwartz@afandpa.org]
Sent: 8/27/2019 12:29:29 PM
To: Kornylak, Vera S. [Kornylak.Vera@epa.gov]
CC: Tim_hunt@afandpa.org; Chip Murray (cmurray@nafoalliance.org) [cmurray@nafoalliance.org]; Johnson, Yvonne W [Johnson.Yvonnew@epa.gov]
Subject: RE: Confirmation for 9/4 meeting

Thanks for the quick reply, Vera.

From: Kornylak, Vera S. <Kornylak.Vera@epa.gov>
Sent: Tuesday, August 27, 2019 8:18 AM
To: Schwartz, Jerry <Jerry_Schwartz@afandpa.org>
Cc: Hunt, Tim <Tim_Hunt@afandpa.org>; Chip Murray (cmurray@nafoalliance.org) <cmurray@nafoalliance.org>; Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>
Subject: RE: Confirmation for 9/4 meeting

Hi Jerry: we've got a mix of people from different EPA offices invited to this meeting including:

Brian Doster and Nora Greenglass, Office of General Counsel
Sara Ohrel; John Stellar; Allen Fawcett; Paul Gunning; Bill Irving – Office of Atmospheric Programs
Cheryl Vetter; Sarah Baker; Scott Mathias; Robin Dunkins – Office of Air Quality Planning and Standards

Thanks,
Vera

Vera Kornylak || Acting Associate Director
Air Quality Policy Division || OAQPS
919-541-4067 || kornylak.vera@epa.gov

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From: Schwartz, Jerry <Jerry_Schwartz@afandpa.org>
Sent: Monday, August 26, 2019 9:52 PM
To: Kornylak, Vera S. <Kornylak.Vera@epa.gov>
Cc: Tim_hunt@afandpa.org; Chip Murray (cmurray@nafoalliance.org) <cmurray@nafoalliance.org>
Subject: FW: Confirmation for 9/4 meeting

Hi Vera,

Could you provide us with the names of the people that are invited to the meeting from HQ (we know people from RTP will call in)? Thank you very much, Jerry

From: Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>
Sent: Thursday, August 22, 2019 2:43 PM
To: Schwartz, Jerry <Jerry_Schwartz@afandpa.org>
Cc: Hunt, Tim <Tim_Hunt@afandpa.org>; Steller, John <Steller.John@epa.gov>; Seidman, Laura

<Laura_Seidman@afandpa.org>

Subject: RE: Confirmation for 9/4 meeting

Yes, that would be good. Thank you.

Thank you,

Yvonne W. Johnson

Special Assistant to the Director
Air Quality Policy Division
Office of Air Quality Planning & Standards
U.S. Environmental Protection Agency
919-541-3921
johnson.yvonnew@epa.gov

From: Schwartz, Jerry <Jerry_Schwartz@afandpa.org>

Sent: Thursday, August 22, 2019 2:28 PM

To: Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>

Cc: Tim_hunt@afandpa.org; Steller, John <Steller.John@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Vetter, Cheryl <Vetter.Cheryl@epa.gov>; Seidman, Laura <Laura_Seidman@afandpa.org>

Subject: Re: Confirmation for 9/4 meeting

Thanks Yvonne for all your help with this meeting. Should I get you the names of the attendees to speed up the security check in?

Jerry Schwartz
AF&PA

On Aug 22, 2019, at 12:41 PM, Johnson, Yvonne W <Johnson.Yvonnew@epa.gov> wrote:

I wanted to confirm that we have a meeting scheduled for September 4, 10:00 – 11:00, at the EPA DC building to discuss the Biogenic CO2/PSD rule. You will need to use the EPA South Building Entrance just outside the Federal Triangle Metro stop. Your DC contact for when you arrive will be John Steller in the Office of Atmospheric Programs (contact info is Steller.John@epa.gov, 202-343-9319). He will meet you in the lobby and then escort you to the meeting room. Our folks here in RTP will be tied in via a conference line (919-541-4248). Should you have any questions please do not hesitate to contact me.

Thank you,

Yvonne W. Johnson

Special Assistant to the Director
Air Quality Policy Division
Office of Air Quality Planning & Standards
U.S. Environmental Protection Agency
919-541-3921
johnson.yvonnew@epa.gov


Message


From: Smith, Darcie [Smith.Darcie@epa.gov]
Sent: 9/17/2019 2:50:37 PM
To: Mathias, Scott [Mathias.Scott@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]; Baker, Sarah [baker.sarah@epa.gov]; Sorrels, Larry [Sorrels.Larry@epa.gov]
CC: Massey, Lana [massey.lana@epa.gov]; Johnson, Yvonne W [Johnson.Yvonnew@epa.gov]; Long, Pam [Long.Pam@epa.gov]
Subject: Meeting Materials: Biogenic CO2 Rulemaking follow-up
Attachments: Idsal Briefing 9-18-19 .docx

Please find the attached materials for the following meeting:

Wednesday, Sept 18, 2019 @ 2 pm: Biogenic CO2 Rulemaking follow-up

Darcie Smith
U.S. EPA, OAQPS

 919.541.2076

 smith.darcie@epa.gov

Message

From: Baker, Sarah [baker.sarah@epa.gov]
Sent: 9/3/2019 12:43:09 PM
To: Mathias, Scott [Mathias.Scott@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]
Subject: FW: 9/4 AF&PA meeting/call

Here is a bit more detail about tomorrow's call.

From: Steller, John <Steller.John@epa.gov>
Sent: Tuesday, September 03, 2019 8:40 AM
To: Baker, Sarah <baker.sarah@epa.gov>; Greenglass, Nora <Greenglass.Nora@epa.gov>; Ohrel, Sara <Ohrel.Sara@epa.gov>
Subject: 9/4 AF&PA meeting/call

Hi all,

Just a quick heads up on a few points AF&PA would like to discuss in tomorrow's meeting/call. Tim Hunt left Sara a voicemail which she forwarded to me – I have not seen any formal agenda though. I will try to open up the line right at 10am once we are all set in the DC conference room.

- Discuss the outcome of the SAB process informing our work, particularly closing the loop on the additionality issue
- Discuss how the current ACE legal world regarding biomass relates to the PSD rulemaking process
- Anything else we would like to bring up to them

John

Message

From: Karen Mongoven [kmongoven@4cleanair.org]
Sent: 2/7/2019 3:16:08 PM
To: Rao, Raj [Rao.Raj@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]; Montanez, Jessica [Montanez.Jessica@epa.gov]; Svendsgaard, Dave [Svendsgaard.Dave@epa.gov]; Wood, Anna [Wood.Anna@epa.gov]; Santiago, Juan [Santiago.Juan@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Dalcher, Debra [dalcher.debra@epa.gov]
Subject: RE: Planning agenda for 2/13 NACAA Permitting & NSR Call

Great, thank you Raj.

From: Rao, Raj [mailto:Rao.Raj@epa.gov]
Sent: Wednesday, February 06, 2019 4:26 PM
To: Karen Mongoven; Vetter, Cheryl; Montanez, Jessica; Svendsgaard, Dave; Wood, Anna; Santiago, Juan; Kornylak, Vera S.; Dalcher, Debra
Subject: RE: Planning agenda for 2/13 NACAA Permitting & NSR Call

Hi Karen, I will be glad to cover 1 and 3 and any other NSR update

From: Karen Mongoven <kmongoven@4cleanair.org>
Sent: Wednesday, February 06, 2019 12:46 PM
To: Rao, Raj <Rao.Raj@epa.gov>; Vetter, Cheryl <Vetter.Cheryl@epa.gov>; Montanez, Jessica <Montanez.Jessica@epa.gov>; Svendsgaard, Dave <Svendsgaard.Dave@epa.gov>; Wood, Anna <Wood.Anna@epa.gov>; Santiago, Juan <Santiago.Juan@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Dalcher, Debra <dalcher.debra@epa.gov>
Subject: Planning agenda for 2/13 NACAA Permitting & NSR Call

Greetings all!

It is time to plan the agenda for the next NACAA Permitting and NSR Committee call, and I am so happy that EPA is open again. Welcome back!

The next call is a week from today – **Wednesday, February 13 beginning at 12:00 p.m. Eastern**. What would EPA like to include on the agenda? For one thing, we would certainly appreciate updates on the timing of forthcoming guidance and rulemakings, and how/whether the shutdown may have affected them. Off the top of my head, that would include:

1. The proposed rule on **project emissions accounting** (I had December 2018 listed as the target date)
2. The rule to codify the rescission of **once in, always in** – is this still planned to come out this month?
3. The deadline for comments on the draft **exclusions from ambient air** guidance was during the shutdown – is EPA extending that at all?
4. Anticipated dates for finalizing (a) the guidance on determining “**adjacency**” and (b) the exclusions from ambient air guidance?
5. Anything concrete on a proposed **biogenic CO2** permitting rule?

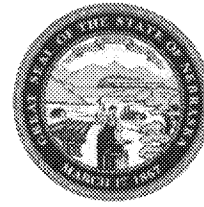
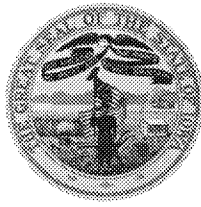
I’m sure I’m probably missing something, and of course we are eager to hear about and offer input on anything else that you are working on. Please let me know. Thanks very much!

Karen

* * *

Karen K. Mongoven
Senior Staff Associate

National Association of Clean Air Agencies
444 North Capitol Street, NW, Suite 307
Washington, DC 20001
Phone: (202) 624-7864
Fax: (202) 624-7863
kmongoven@4cleanair.org



August 2, 2019

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Wheeler,

We respectfully request that you prioritize regulatory reform clarifying that biogenic CO₂ emissions from processing and use of agricultural feedstocks (such as corn, soybeans, oilseeds and farm residues) are not pollutants subject to regulation under the federal Clean Air Act. Removal of this regulatory barrier is key to unlocking investment in the 21st century bioeconomy in rural areas across America.

The U.S. agricultural system feeds the world and provides modern day solutions in food products, bioenergy, and bioproducts like pharmaceuticals, personal care products, green chemicals, and plastics made from corn, soy, oilseeds, and other agricultural feedstocks. The agricultural sector in our states is poised to invest billions of dollars to develop the potential of the bioeconomy, if only EPA would remove the threat of unwarranted regulatory burdens.

Following its 2009 Endangerment Finding regulating fossil fuel greenhouse gases, EPA asserted that it would claim regulatory jurisdiction over CO₂ emissions from agricultural crops, which triggered permitting requirements and litigation risk that has added years to project development, rendered many promising bioeconomy projects unviable, and similar to the troublesome WOTUS rule allowed EPA to claim jurisdiction over “sustainable” farming practices on the farm field – an alarming expansion of federal intrusion into traditional state sovereignty. Moreover, EPA’s regulation of biogenic CO₂ was never supported by a proper science-based review prior to EPA announcing this expansive regulation, and EPA flatly ignored comments from the U.S. Department of Agriculture which cautioned that biogenic CO₂ was carbon neutral and could not properly be regulated as a matter of sound science.

We appreciate that you are working diligently to address regulatory barriers to economic development where certain EPA rules are unnecessary for protection of the environment. For the benefit of the citizens of our states and the bioeconomy in general, please make resolution

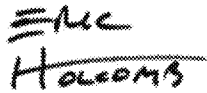
of the biogenic CO2 controversy a top priority. A resolution that would provide potential developers of the bioeconomy a stable regulatory framework for years to come would provide an environmentally appropriate boost to America's economy

Thank you for your consideration.

Sincerely,



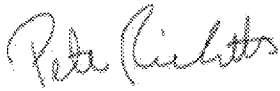
Kim Reynolds
Governor of Iowa



Eric Holcomb
Governor of Indiana



Matt Bevin
Governor fo Kentucky



Pete Ricketts
Governor of Nebraska



Doug Burgum
Governor of North Dakota

Message

From: Hunt, Tim [Tim_Hunt@afandpa.org]
Sent: 10/30/2018 8:00:32 PM
To: Kornylak, Vera S. [Kornylak.Vera@epa.gov]
Subject: RE: Dec 13

Thanks, Tim

-----Original Message-----

From: Kornylak, Vera S. [mailto:Kornylak.Vera@epa.gov]
Sent: Tuesday, October 30, 2018 3:44 PM
To: Hunt, Tim <Tim_Hunt@afandpa.org>
Cc: Bradfield, John <Bradfield.John@epa.gov>; Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>; Noe, Paul <Paul_Noe@afandpa.org>
Subject: RE: Dec 13

Hi Tim, yes I've reached out to relevant individuals in the Office of Atmospheric Programs, thanks.

Vera

Vera Kornylak || Senior Policy Advisor
Air Quality Policy Division || OAQPS
919-541-4067 || kornylak.vera@epa.gov

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-----Original Message-----

From: Hunt, Tim [mailto:Tim_Hunt@afandpa.org]
Sent: Tuesday, October 30, 2018 11:19 AM
To: Kornylak, Vera S. <Kornylak.Vera@epa.gov>
Cc: Bradfield, John <Bradfield.John@epa.gov>; Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>; Noe, Paul <Paul_Noe@afandpa.org>
Subject: Re: Dec 13

Vera, I was intending to have both the November and December dates. Thanks for including Yvonne. Are there folks from the climate office in DC that should be included in the 11/13 meeting? They've been pretty engaged in the past on policy level issues.

Tim Hunt
Sent from my iPhone

> On Oct 30, 2018, at 9:56 AM, Kornylak, Vera S. <Kornylak.Vera@epa.gov> wrote:

>

> Hi Tim, just a quick follow-up from our phone conversation yesterday. It looks like 11/13 will only work from 9-10am and we would be able to have at least some OGC folks join us. I couldn't tell based on your email below if you'd prefer to skip the 11/13 and just plan to meet on 12/13, so please let me know what you had in mind.

>

> I'm cc:ing Yvonne who can help facilitate meeting coordination for my division.

>

> Thanks,

> Vera

>

> Vera Kornylak || Senior Policy Advisor Air Quality Policy Division ||

> OAQPS

> 919-541-4067 || kornylak.vera@epa.gov

>

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>
> -----Original Message-----
> From: Hunt, Tim [mailto:Tim_Hunt@afandpa.org]
> Sent: Monday, October 29, 2018 5:26 PM
> To: Bradfield, John <Bradfield.John@epa.gov>
> Cc: Kornylak, Vera S. <Kornylak.Vera@epa.gov>
> Subject: Dec 13
>
> John, we are planning to meet with Vera Kornylak from 11 to 1 on the 13th. I know you've struggled with room spaces that day for our other meetings, any chance of finding something that fits us all? The topic is biomass rule making. Thanks.
>
> Tim Hunt
> Sent from my iPhone

Message

From: Brachtl, Megan [Brachtl.Megan@epa.gov]
Sent: 10/21/2019 9:19:58 PM
To: Nancy Kruger [nkruger@4cleanair.org]
CC: Spangler, Matthew [Spangler.Matthew@epa.gov]; Karen Mongoven [kmongoven@4cleanair.org]; Johnson, Yvonne W [Johnson.Yvonnew@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; mfaye@4cleanair.org
Subject: RE: About your participation in NACAA Membership Meeting
Attachments: Brachtl-Spangler_NAAQS Implem_NACAA_noTPs_10-21-19.pptx

Hello Nancy – I hope Day 1 of your business meeting has gone well. Here are the final final slides Matt and I will present tomorrow. I added updated tables summarizing status of all ozone, PM2.5 and SO2 nonattainment areas per your earlier request. I will bring this on a thumb-drive as well.

Looking forward to seeing you soon,
Megan

Megan V. Brachtl, Group Leader
State and Local Programs Group
Office of Air Quality Planning and Standards
U.S. Environmental Protection Agency
(919) 541-2648
brachtl.megan@epa.gov

From: Nancy Kruger <nkruger@4cleanair.org>
Sent: Tuesday, October 15, 2019 8:15 PM
To: Brachtl, Megan <Brachtl.Megan@epa.gov>
Cc: Spangler, Matthew <Spangler.Matthew@epa.gov>; Karen Mongoven <kmongoven@4cleanair.org>; Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; mfaye@4cleanair.org
Subject: Re: About your participation in NACAA Membership Meeting

Thank you, Megan. We'll go with these.

Please send a copy of the final final when you have it and we'll upload it to our laptop for your presentation. Please also bring a backup on a flash drive.

See you on Tuesday.

-Nancy

Nancy Kruger
Deputy Director
National Association of Clean Air Agencies (NACAA)
444 North Capitol Street, NW
Suite 307
Washington, DC 20001
tel: (202) 624-7864
fax: (202) 624-7863
nkruger@4cleanair.org
www.4cleanair.org

On Oct 15, 2019, at 5:11 PM, Brachtl, Megan <Brachtl.Megan@epa.gov> wrote:

Hello Nancy – Please see the attached slides. I am working on getting you a couple of extra slides to address the points you raised below (highlighted) or I will be able to speak to them next week. I did not want to miss your deadline in the meantime. I addressed your other comments in the slides; hopefully my changes make the presentation clearer.

Thank you for the opportunity – looking forward to seeing you next week!

Megan

Megan V. Brachtel, Group Leader
State and Local Programs Group
Office of Air Quality Planning and Standards
U.S. Environmental Protection Agency
(919) 541-2648
brachtel.megan@epa.gov

From: Nancy Kruger <nkruger@4cleanair.org>
Sent: Tuesday, October 08, 2019 1:34 PM
To: Brachtel, Megan <Brachtel.Megan@epa.gov>
Subject: Re: About your participation in NACAA Membership Meeting

Hi Megan,

Your slides look great. The scope and depth of the presentation seem appropriate.

Just a few thoughts:

- 1) On slide 5 - "Nonattainment Areas for Non-Revoked NAAQS as of 10/1/17" - is 10/1/17 the most recent data EPA has?
- 2) On the topic of "Improving SIP Reviews," in your remarks, will you be covering the agency's new phase (with the new FY) of its strategy for clearing the SIP backlog, the 2022 deadline, regions' and OAR's "bridge" plans, etc.?
- 3) In the "Pollutant-Specific NAAQS Updates" section:
 - a) On slide 16, should the date in the next-to-last bullet be 2019 rather than 2018?
 - b) Are you able to include a slide, similar to Slide 23 ("Progress on PM2.5 NAAQS Attainment") for ozone - the 1997, 2008 and 2015 NAAQS (in addition to the slide you already have on the 2015 ozone NAAQS)?
 - c) Are you able to also include a slide overviewing the number and status of SO2 nonattainment areas (with key dates) for each round?
- 4) Can you please also provide an update on Residential Wood Heaters?

Please let me know if you have any questions. Thanks for the chance to review.

-Nancy

Nancy Kruger

Deputy Director

National Association of Clean Air Agencies

444 North Capitol Street, NW

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Washington, DC 20001

tel: (202) 624-7864

fax: (202) 624-7863

nkruger@4cleanair.org

www.4cleanair.org

From: Brachtl, Megan <Brachtl.Megan@epa.gov>

Sent: Tuesday, October 8, 2019 11:17 AM

To: Nancy Kruger <nkruger@4cleanair.org>

Cc: Spangler, Matthew <Spangler.Matthew@epa.gov>; Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>; Monique Faye <mfaye@4cleanair.org>; Karen Mongoven <kmongoven@4cleanair.org>; Stephanie Steigman <scooper@4cleanair.org>

Subject: RE: About your participation in NACAA Membership Meeting

Next Tuesday then. That's great. Let us know what you think about the topics covered in the slides/level of detail.

Megan

Megan V. Brachtl, Group Leader
State and Local Programs Group
Office of Air Quality Planning and Standards
U.S. Environmental Protection Agency
(919) 541-2648
brachtl.megan@epa.gov

From: Nancy Kruger <nkruger@4cleanair.org>

Sent: Tuesday, October 08, 2019 9:56 AM

To: Brachtl, Megan <Brachtl.Megan@epa.gov>

Cc: Spangler, Matthew <Spangler.Matthew@epa.gov>; Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>; mfaye@4cleanair.org; Karen Mongoven <kmongoven@4cleanair.org>;

Stephanie Steigman <scooper@4cleanair.org>

Subject: Re: About your participation in NACAA Membership Meeting

We'll take a look at the slides and get back to you and Matt soon (I'll focus on your slides and Karen will focus on Matt's).

Our drop-dead date for slides is this Friday, but Stephanie tells me that we can make an exception for you and extend until Tuesday, October 15. This will allow us to insert your slides into the meeting "package" at the very last minute before we send it to the members.

Nancy Kruger

Deputy Director

National Association of Clean Air Agencies

444 North Capitol Street, NW

Suite 307

Washington, DC 20001

tel: (202) 624-7864

fax: (202) 624-7863

nkruger@4cleanair.org

www.4cleanair.org

From: Brachtl, Megan <Brachtl.Megan@epa.gov>

Sent: Tuesday, October 8, 2019 8:48 AM

To: Nancy Kruger <nkruger@4cleanair.org>

Cc: Spangler, Matthew <Spangler.Matthew@epa.gov>; Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>; Monique Faye <mfaye@4cleanair.org>; Karen Mongoven <kmongoven@4cleanair.org>

Subject: RE: About your participation in NACAA Membership Meeting

Good morning, Nancy and Karen – Attached are ***draft*** slides that reflect what Matt and I plan to walk through during our session on October 22. Please take a look and let us know if there are any topics you think we could cut from the presentation, and/or if there is anything you would like us to add or spend more time on based on your membership's interests.

Also, there are a number of slides that I'd like to update over the next couple of weeks in order to provide the absolute latest in terms of SIP processing (end-of-fiscal-year numbers), redesignations, and court decisions. What is your "drop dead" date for getting our final slides to you? We'll work with whatever additional time you can give us!

Thanks,
Megan

Megan V. Brachtl, Group Leader
State and Local Programs Group
Office of Air Quality Planning and Standards
U.S. Environmental Protection Agency
(919) 541-2648
brachtl.megan@epa.gov

From: Nancy Kruger <nkruger@4cleanair.org>
Sent: Monday, October 07, 2019 4:57 PM
To: Brachtl, Megan <Brachtl.Megan@epa.gov>
Cc: Spangler, Matthew <Spangler.Matthew@epa.gov>; Johnson, Yvonne W <Johnson.Yvonne@epa.gov>; mfaye@4cleanair.org; Karen Mongoven <kmongoven@4cleanair.org>
Subject: RE: About your participation in NACAA Membership Meeting

Thanks, Megan.

Nancy Kruger
Deputy Director
National Association of Clean Air Agencies
444 North Capitol Street, NW
Suite 307
Washington, DC 20001
tel: (202) 624-7864
fax: (202) 624-7863
nkruger@4cleanair.org
www.4cleanair.org

From: Brachtl, Megan [<mailto:Brachtl.Megan@epa.gov>]
Sent: Monday, October 07, 2019 4:53 PM
To: Nancy Kruger
Cc: Spangler, Matthew; Johnson, Yvonne W; Monique Faye; Karen Mongoven
Subject: Re: About your participation in NACAA Membership Meeting

Hi Nancy - my computer is doing a reboot that could take a while. I'll send our draft slides to you and Karen first thing in the morning. Sorry for the delay!

Sent from my iPhone

On Oct 7, 2019, at 3:50 PM, Nancy Kruger <nkruger@4cleanair.org> wrote:

That sounds like a good plan, Megan. We'll watch for the slides (please send them to Karen Mongoven and me). Thanks!

Nancy Kruger
Deputy Director
National Association of Clean Air Agencies
444 North Capitol Street, NW
Suite 307

Washington, DC 20001
tel: (202) 624-7864
fax: (202) 624-7863
nkruger@4cleanair.org
www.4cleanair.org

From: Brachtl, Megan [<mailto:Brachtl.Megan@epa.gov>]
Sent: Monday, October 07, 2019 8:58 AM
To: Nancy Kruger; Spangler, Matthew
Cc: Johnson, Yvonne W; Monique Faye
Subject: RE: About your participation in NACAA Membership Meeting

Good morning, Nancy – Apologies for responding so late. Matt and I have one set of slides that I can send to you toward the end of the day in draft form (per our conversation a couple of weeks ago, and given the pace of change of some of our updates, I was hoping you could take a quick look at the slides to get a general sense of what we have to offer, then let us know if the slides seem heavy or light on any particular topics). Does that work for you? In any case we expect to be challenged to get through all our updates in 40 minutes, but we'll aim to split the time with approx.. 25 minutes for NAAQS implementation and the remaining time for NSR updates.

Please let me know what you think. Thanks, Nancy!

Megan

Megan V. Brachtl, Group Leader
State and Local Programs Group
Office of Air Quality Planning and Standards
U.S. Environmental Protection Agency
(919) 541-2648
brachtl.megan@epa.gov

From: Nancy Kruger <nkruger@4cleanair.org>
Sent: Thursday, October 03, 2019 3:34 PM
To: Brachtl, Megan <Brachtl.Megan@epa.gov>; Spangler, Matthew <Spangler.Matthew@epa.gov>
Cc: Johnson, Yvonne W <Johnson.Yvonne@epa.gov>; mfaye@4cleanair.org
Subject: About your participation in NACAA Membership Meeting

Hi Megan and Matt,

I'm checking in to find out the status of your slides for the upcoming NACAA meeting. We requested that slides be emailed to us (to Monique at mfaye@4cleanair.org and with a copy to me at nkruger@4cleanair.org) by COB October 7, 2019, which is Monday. Can we expect to receive yours then? Also, will you each have a deck or will you combine both into one?

Second, we have allotted a total of 55 minutes for your two presentations and Q&A; of the 55 minutes, 15 to 20 minutes should be reserved for Q&A. In order to keep the meeting running on time, there will be a NACAA staff member sitting in the first row who will periodically hold up

cards to let you know how much time you have remaining for your presentation and then again for the Q&A. Please let me know by COB this Monday, October 7, how you will divide the 35 to 40 minutes of presentation time between you.

We look forward to hearing from you this week or early next.

Thanks,
-Nancy

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From: Nancy Kruger
Sent: Monday, September 09, 2019 7:59 PM
To: Chet Wayland; Megan Bracht; Matt Spangler
Cc: Scott Mathias; Yvonne Johnson; Karen Mongoven
Subject: Details about your NACAA meeting session

Chet, Megan and Matt,

Thank you for accepting our invitation to speak at the upcoming NACAA Fall Membership Meeting in Washington, DC for our session titled, *NAAQS and Other Implementation Issues: Policy and Technical Updates*, on Tuesday, October 22, from 11:05 AM to 12:35 PM. (Please note the slight change in the title of the session, which has not yet been made to the online version.)

We have allotted 90 minutes for this session as follows:

- 1) NAAQS and other implementation updates, including permitting (Megan and Matt) – 55 minutes total, including Q&A (15-20 minutes should be reserved for Q&A)
- 2) Monitoring, modeling and technical issues (Chet) – 30 minutes total, including Q&A (10-12 minutes should be reserved for Q&A)

If you have not already made hotel reservations and registered for the meeting information on doing so (as well as a draft agenda) is available on our meeting webpage at http://www.4cleanair.org/NACAA_2019_Fall_Meeting. Please note that hotel reservations should be made this week.

We would appreciate receiving your slide presentation(s) by Monday, October 7, 2019.

If you have any questions, or would like to arrange a time to talk about your respective presentations, please don't hesitate to contact us.

Thanks,

-Nancy and Karen

Nancy Kruger
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<BrachtI-Spangler_NAAQS Implem_NACAA_noTPs_10-15-19.pptx>



NAAQS Implementation and Other Updates

NACAA Fall Membership Meeting
October 2019

Megan V. Brachtl, Group Leader, State and Local Programs Group

Matt Spangler, Operating Permits Group

Air Quality Policy Division

Office of Air Quality Planning and Standards

Overview

- NAAQS Review Update
- EPA Strategic Plan Priority Goals
 - Nonattainment Areas
 - SIP Process Improvements
- NAAQS Implementation Updates
 - Ozone
 - Sulfur Dioxide (SO₂)
 - Fine Particulate Matter (PM_{2.5})
 - Lead (Pb)
- Exceptional Events
- Regional Haze
- Permitting



NAAQS Review Status

3

(October 2019)

	Ozone	Lead	Primary H ₂ O ₂	Primary SO ₂	Secondary (Ecological) NO _x , SO ₂ , PM ¹	PM ²	CO
Last Review Completed (final rule signed)	Oct. 2015	Sept 2016	April 2016	Feb 2019	Mar 2012	Dec 2012	Aug 2011
Recent or Upcoming Major Milestone(s)	<u>Sept/Oct 2019</u> Draft ISA and Draft PA ³ <u>Early 2020</u> Proposal <u>Late 2020</u> Final	TBD ⁴	TBD	TBD	<u>Timing of next steps is TBD</u> Final ISA; draft REA/PA	<u>Sept 5, 2019</u> Draft PA released to CASAC and public <u>Early 2020</u> Proposal <u>Late 2020</u> Final	TBD

Additional information regarding current and previous NAAQS reviews is available at: <http://www.epa.gov/ttn/naaqs/>

¹ Combined secondary (ecological effects only) review of NO_x, SO₂, and PM

² Combined primary and secondary (non-ecological effects) review of PM

³ IRP – Integrated Review Plan; ISA – Integrated Science Assessment; REA – Risk and Exposure Assessment; PA – Policy Assessment

⁴ TBD = To be determined



EPA Strategic Plan Foundation

4



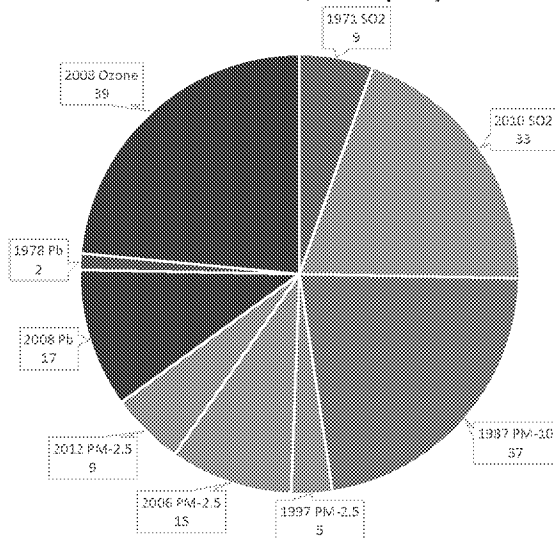
Goal 1: A Cleaner, Healthier Environment. Deliver a cleaner, safer and healthier environment for all Americans and future generations by carrying out the agency's core mission.

Goal 2: Provide certainty to states, localities, tribal nations and the regulated community in carrying out shared responsibilities and communicating results to all Americans.

Goal 3: Increase certainty, compliance and effectiveness by applying the rule of law to achieve more efficient and effective agency operations, service delivery and regulatory relief.



Nonattainment Areas for Non-revoked NAAQS on October 1, 2017 (166)

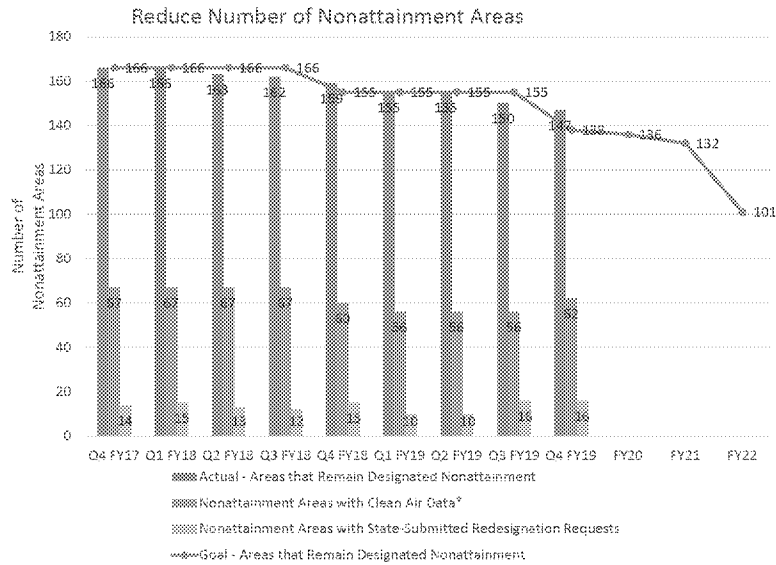


EPA Priority Goal: Reduce Number of Nonattainment Areas

- Work with states to prioritize redesignation request submissions.
- Ensure states have necessary rules, guidance, and tools.
- Improve the efficiency and effectiveness of the SIP/TIP process, including EPA's review process, to maximize timely processing of requested SIP/TIP actions.
- Take federal oversight actions, where necessary.
- For EPA to approve a state's requests to redesignate a nonattainment area, the request must meet the minimum Clean Air Act requirements, which include:
 - A demonstration that the area has air quality that is attaining the NAAQS;
 - Establishing that pollution reductions are due to implementing permanent and enforceable measures;
 - A 10-year maintenance plan that includes contingency measures to be triggered in the event of a re-violation of the NAAQS; and,
 - Satisfying any other applicable and outstanding attainment planning and emissions control requirements.

Agency Priority Goal: By September 30, 2022, EPA, in close collaboration with states, will reduce the number of nonattainment areas to 101 from a baseline of 166.

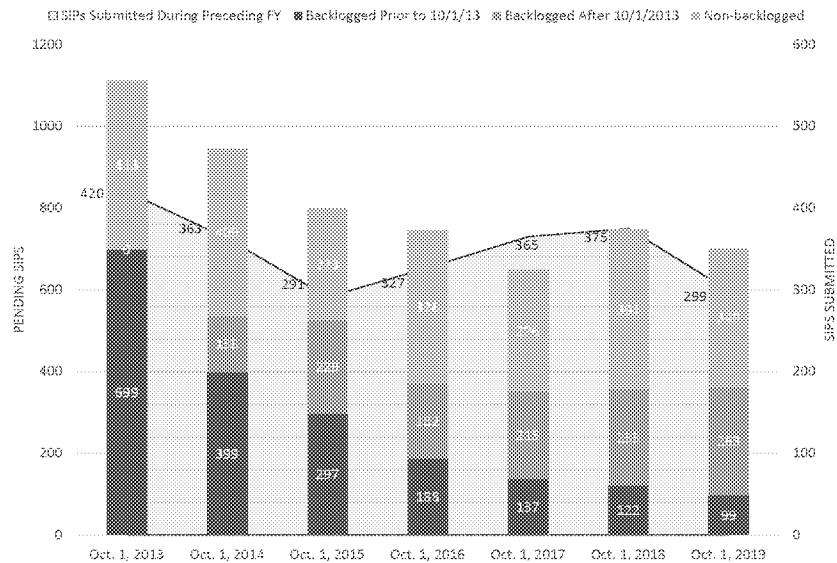
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Improving State Implementation Plan Reviews

SIPs Pending EPA Review – 2013 to October 1, 2019

8

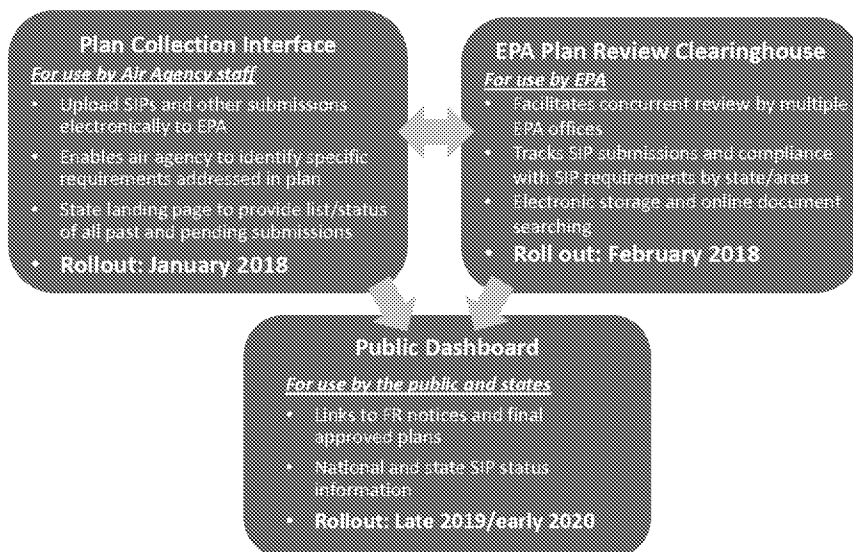


SIP Process Improvements

- Early engagement during SIP development
- 2015 Ozone NAAQS “Quick Start Guide”
- Upcoming activities:
 - Consider key backlog reduction techniques for the most difficult SIPs including withdrawal and disapproval
 - SIP Lean Guide
 - Update external-facing “SIP streamlining” website
 - Develop internal New Process Standard Operating Procedure
 - Further develop State Plan Electronic Collaboration System (SPeCS)



State Plan Electronic Collaboration System (SPeCS) for SIPs



SPeCS for SIPs (cont.)

- Since January 2018, states have submitted more than 500 submissions
 - > 448 official submissions and ~71 draft submissions
- Plans for 2019 and Beyond
 - Complete Public Dashboard
 - Develop the Administrator Module
 - Develop the Regional Haze Module
 - Develop an Exceptional Events Demonstration Module
 - Integrate SIP Lean Efforts into SPeCS
 - Continuously improve the State Plan Collection Interface and EPA Clearinghouse based on on-going user feedback



Pollutant-Specific Implementation Updates

Ozone, SO₂, PM_{2.5}, Pb

2015 Ozone NAAQS Implementation Update

13

- * 52 areas initially designated nonattainment:
 - 51 areas (excluding San Antonio) effective August 3, 2018 (83 FR 25776; 6/04/18)
 - San Antonio, Texas area effective September 24, 2018 (83 FR 35136; 7/25/18)

Classification	Number of Areas	Attainment Deadline (years)	Attainment Date
Marginal	39	3	August 3, 2021* (2018-2020 DV)
Moderate	5	6	August 3, 2024
Serious	2	9	August 3, 2027
Severe-15	2	15	August 3, 2033
Extreme	2	20	August 3, 2038
Rural Transport (Marginal)	2	N/A	---
TOTAL	52		

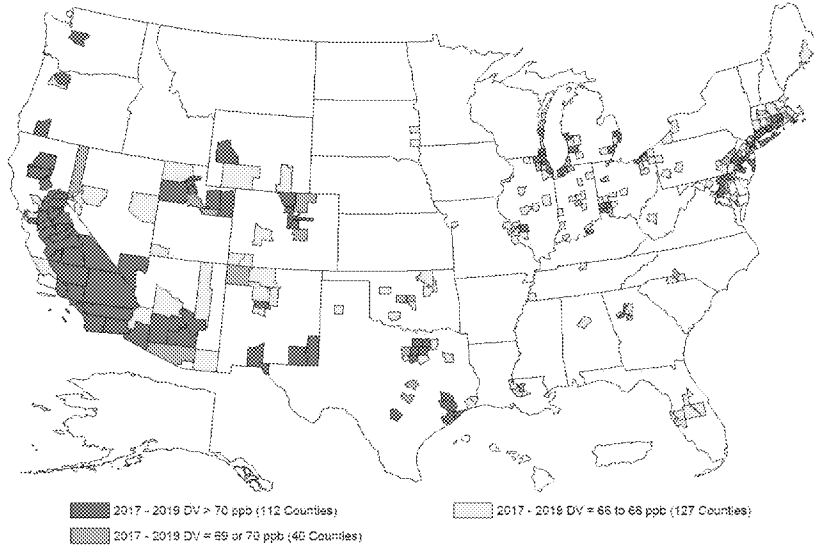
* Sep 24, 2021 for San Antonio, TX area

- * Columbus, OH area redesignated to attainment (84 FR 43508; 8/21/19)
- * Initial SIP submittals due August 3, 2020
 - Marginal areas: Emissions inv./statements
 - Moderate and above areas: Emissions inv./statements and RACT SIPs



Preliminary 2017-2019 Design Values for 2015 Ozone

(70 ppb NAAQS, 9/17/2019)



2015 Ozone NAAQS Implementation Update (cont.)

- Infrastructure SIP update
 - SIPs were due October 1, 2018
 - As of October 2, 2019, EPA has received 35 full submittals and 7 partial submittals
- Litigation on 2015 Ozone NAAQS SIP Requirements Rule
 - Final rule published December 6, 2018 (83 FR 62998)
 - Petitioners' brief filed July 22, 2019:
 - NNSR interprecursor trading
 - RFP requirements: milestone compliance demonstrations
 - RFP requirements: alternative baseline year
 - Early implemented contingency measures
 - EPA's reply brief due November 1, 2019; oral arguments timing TBD



2015 Ozone NAAQS Interstate Transport

- * EPA is actively reviewing submitted 2015 ozone NAAQS transport SIPs
 - * As of October 21, 2019, have received 41 of 56 states/jurisdictions
 - * Finalized approval action on 2 state SIPs
 - * Proposed approval on an additional 4 SIPs
- * Notice of Intent (NOI) to file mandatory duty deadline suit to make Findings of Failure to Submit (FFS) outstanding interstate transport SIPs that were due October 1, 2018
 - * On September 5, 2019, EPA announced its intent to make findings that certain states have failed to submit interstate transport SIPs for the 2015 ozone NAAQS. (see <https://www.epa.gov/airmarkets/interstate-air-pollution-transport>)
 - * EPA intends to issue FFS on November 22, 2019
 - * SIPs need to be “complete” to be excluded from the FFS



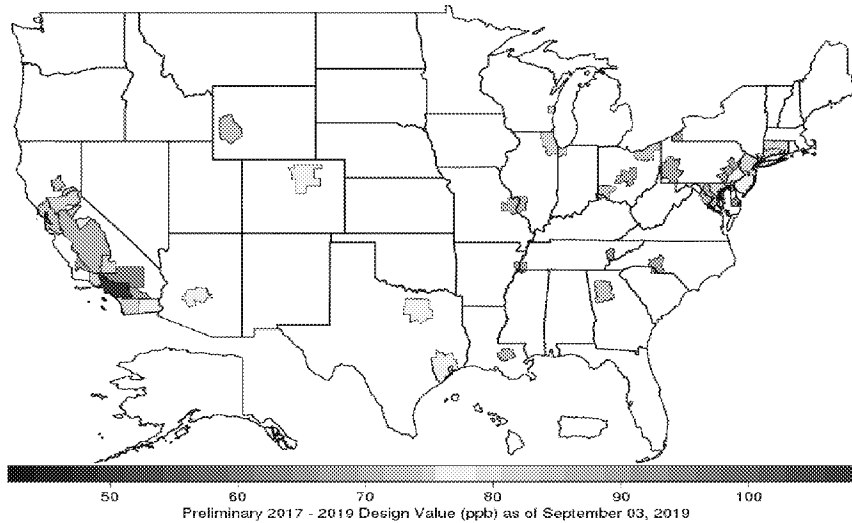
2008 Ozone NAAQS Implementation Update

- Moderate area update
 - ◊ Moderate area Determinations of Attainment by the Attainment Date for 11 areas published August 23, 2019 (84 FR 44238), effective September 23, 2019
 - ◊ The action establishes new SIP submittal and RACT implementation deadlines for newly-reclassified Serious areas
 - ◊ 1-year attainment date extension for Sheboygan County, WI to July 2019
 - ◊ Separate related actions for Denver, CO; Phoenix, AZ; Imperial County, CA; and Kern County, CA
- 2008 Ozone NAAQS Interstate Transport
 - ◊ CSAPR Update – September 13, 2019, D.C. Circuit decision on Wisconsin v. EPA ruled for EPA on a number of issues but concluded that EPA's interpretation of the Good Neighbor Provision was unreasonable with regard to the timing of upwind emissions reductions. The court remanded the CSAPR Update without vacatur. EPA is currently reviewing the decision and discussing options.
 - ◊ CSAPR Closeout - On October 1, 2019, the D.C. Circuit on New York v. EPA vacated and remanded the CSAPR Closeout to EPA citing the Wisconsin decision.



**Preliminary 2017-2019 Design Values for
2008 Ozone Nonattainment Areas**
(75 ppb NAAQS; as of 9/3/19)

18



1997 Ozone NAAQS Implementation Update

- ♦ The February 2018 *South Coast II* ruling upheld EPA's general authority to revoke a prior NAAQS with adequate antibacksliding protections ("controls") but reversed several key antibacksliding approaches for the revoked 1997 ozone NAAQS, including:
 - ♦ duty to reclassify areas upon failure to timely attain; and
 - ♦ "redesignation substitute" mechanisms to terminate antibacksliding controls
 - ♦ 2nd 10-year maintenance plans
- ♦ The ruling held that to remove antibacksliding requirements, areas that were designated nonattainment for the 1997 NAAQS at time of revocation needed to meet all redesignation requirements under CAA section 107(d)(3). Recent related proposed approvals include:
 - ♦ Houston-Galveston-Brazoria, TX area (84 FR 22093; 5/16/19)
 - ♦ Dallas-Fort Worth, TX area (84 FR 29471; 6/24/19)
- ♦ EPA provided "Resource Document" to assist states with preparing second 175A maintenance plans, including "limited maintenance plans." <https://www.epa.gov/ground-level-ozone-pollution/1997-ozone-national-ambient-air-quality-standards-naaqs-nonattainment>



Progress on Ozone NAAQS Attainment

(as of October 2019)

	1997 NAAQS (2004 Designations)	2008 NAAQS (2012 Designations)	2015 NAAQS (2018 Designations)
Initial Nonattainment Areas	116*	47*	52
Areas Redesignated to Attainment (prior to revocation)	80	10	1
Current Nonattainment Areas	36**	37	51
Clean Data Determinations	27	17***	0

* Original nonattainment area total adjusted for the splitting of the Sheboygan, WI area into 2 areas.

**Obligation to reclassify may be affected by South Coast II decision.

***Includes 2 Moderate and 14 Marginal area determinations of attainment by the attainment date and 1 Moderate area clean data determinations.



2010 SO₂ NAAQS Area Designations

- EPA is completing area designations for 2010 primary 1-hour NAAQS in four rounds:
 - Round 1 – July 25, 2013: 29 nonattainment areas
 - Effective date of designations: September 12, 2013
 - Attainment plan due date: April 4, 2015
 - Attainment date: October 4, 2018
 - Round 2 – 7 nonattainment areas, 17 unclassifiable areas, and 41 unclassifiable/attainment areas
 - Number of nonattainment areas designated on July 12, 2016: 4
 - Effective date of designations: September 12, 2016
 - Attainment plan due date: March 12, 2018
 - Attainment date: September 12, 2021
 - Number of nonattainment areas designated on December 13, 2016: 3
 - Effective date of designations: January 12, 2017
 - Attainment plan due date July 12, 2018
 - Attainment date: January 12, 2022
 - Round 3 – December 21, 2017: 6 nonattainment areas, 23 unclassifiable areas, and the remainder of the country in all states, territories, and tribes designated attainment/unclassifiable (except Round 4 areas)
 - Effective date of designations: April 9, 2018
 - Attainment plan due date: October 9, 2019
 - Attainment date: April 9, 2023



2010 SO₂ NAAQS Implementation

- **Approved attainment plans:** Currently, 18 SIPs for the initial 29 Round 1 nonattainment areas have been approved. HQ is working with affected Regional Offices and states on addressing approvability issues for the remaining SIPs.
- **Mandatory duty deadline lawsuit:**
 - The Center for Biological Diversity, Center for Environmental Health and the Sierra Club (CBD) filed suit on June 14, 2018 (amended on December 17, 2018) to compel EPA to act on several SIPs submitted for Round 1 areas. The lawsuit also sought to compel EPA to issue findings of failure to submit (FFS) for several nonattainment areas designated in Round 2 or for the 1971 SO₂ NAAQS.
 - Draft consent decree (CD): On September 4, 2019, EPA published in the Federal Register a proposal notice under CAA section 113(g) for 30-day public comment:
 - › Take action on 12 submitted Round 1 SIPs by October 2020 (including one by April 2020).
 - › Issue FFS, which EPA already completed on September 9, 2019 (two areas).
- **Interstate transport:** EPA continues to make good progress approving submitting SO₂ interstate transport SIPs and continues to work with states to submit approvable SIPs addressing the good neighbor provision.



Progress on 2010 SO₂ NAAQS Attainment

(as of October 2019)

	Round 1	Round 2	Round 3
Initial Nonattainment Areas	29	7	6
Areas Redesignated to Attainment	7*	0**	0
Current Nonattainment Areas	22	7	6
Clean Data Determinations	1	0	0

* The designation of the Williamson County, IL, area was changed to attainment on October 16, 2019.

** The proposed error correction addressing 3 areas in TX was published on August 22, 2019.



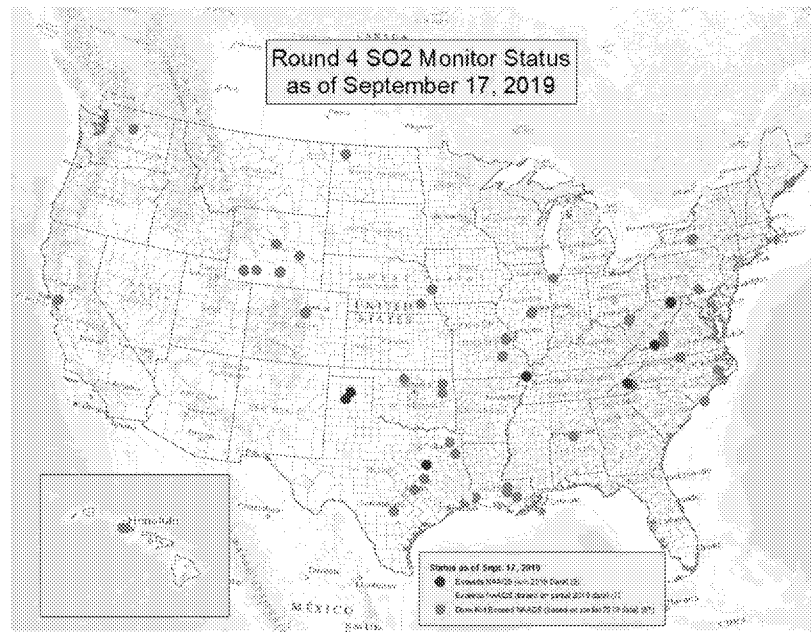
Round 4 SO₂ NAAQS Area Designations

- EPA must designate all remaining portions of the U.S. by December 31, 2020.
- Round 4 Process Guidance Memo issued September 5, 2019.

Milestone	Date
States and tribes certify 2019 SO ₂ monitoring data	No later than May 1, 2020
States and tribes may submit updated recommendations and supporting information for area designations to EPA*	No later than May 1, 2020
States submit exceptional events demonstrations for event-influenced SO ₂ monitoring data from 2017-2019	No later than May 1, 2020
EPA notifies states and tribes concerning any intended modifications to their recommendations (120-day letters)	On or about August 13, 2020
EPA publishes public notice of state and tribal recommendations and EPA's intended modifications, initiating a 30-day public comment period	On or about August 26, 2020 (No later than 130 days prior to final designations)
End of 30-day public comment period	On or about September 25, 2020
In response to EPA's intended designations, states and tribes submit additional information, if desired, to demonstrate why EPA's proposed modification in the 120-day letter to the state's recommended designation or boundary is inappropriate	No later than October 16, 2020
EPA signs notice promulgating final SO ₂ area designations for Round 4	On or about December 17, 2020 (No later than December 31, 2020)

* For any remaining undesignated area (i.e., those areas that installed and began operating EPA-approved SO₂ monitoring networks pursuant to the DRR and that have not been previously designated)





Progress on PM_{2.5} NAAQS Attainment

(as of October 2019)

	1997 PM _{2.5} (2005 Designations)	2006 PM _{2.5} (2009 Designations)	2012 PM _{2.5} (2015 Designations)
Initial Nonattainment Areas	39	32	9
Areas Redesignated to Attainment	35	18	3
Current Nonattainment Areas	4	14	6
Clean Data Determinations	3	11	1
Attainment Deadlines	Serious 11/2021	Serious 12/2019	Moderate 12/2021 Serious 12/2025



PM_{2.5} NAAQS Implementation: 2019 Actions

DATE	STATE	AREA	NAAQS	ACTION
5/28/2019	IL	St. Louis	1997	Final Redesignation
4/10/2019	UT	Provo	2006	Final Clean Data Determination
10/3/2019	AZ	West Central Pinal	2006	Final Determ. Of Attainment
9/27/2019	UT	Salt Lake City	2006	Final Clean Data Determination
4/12/2019	OH	Cleveland	2012	Final Redesignation
9/30/2019	PA	Lebanon County	2012	Final Redesignation
9/30/2019	PA	Delaware County	2012	Final Redesignation

- PM_{2.5} Precursor Demonstration Guidance issued in May 2019



Lead (Pb) NAAQS Implementation Update

- Of the 22 areas designated nonattainment for the 2008 Pb NAAQS, 11 have been redesignated to attainment
- All areas have fulfilled attainment planning requirements
- Current focus:
 - Remaining redesignations
 - Monitor removal issues



Exceptional Events Update

- EPA has concurred on 30 state demonstrations that were submitted since EPA revised the Exceptional Events Rule in September 2016
- We continue developing new guidance documents to help right-size demonstrations and facilitate the exceptional events process – Thank you for feedback on drafts!
 - **Stratospheric Ozone Intrusion Guidance – Released November 2018**
 - **Updated High Wind Dust Event Guidance – Released April 4, 2019**
 - **Clarification Memo on Data Modification – Released April 4, 2019**
 - **Prescribed Fire Guidance – Released August 9, 2019**
- EPA's exceptional events webpage provides key resources, including example demonstrations for Ozone and PM, and will continue to be updated as new materials become available

<https://www.epa.gov/air-quality-analysis/treatment-air-quality-data-influenced-exceptional-events>



ADVANCE

www.epa.gov/advance

- * A collaborative effort by EPA, states, tribes and local governments to achieve ongoing emission reductions in areas designated as attainment/maintenance for ozone or PM_{2.5}.
- * Our current partners are located in 36 areas in 20 states and 9 of the 10 EPA Regions:

DE – Entire State	MO/KS – Kansas City	OK - Tulsa
GA – Middle Georgia (Macon)	MO – Southeast	OR - Lakeview
ID – Salmon	NV – Clark County (Las Vegas)	OR - Prineville
IA/IL/WI – Dubuque	NV – Washoe County (Reno)	SC – Entire State
KY – Jefferson County (Louisville)	NM – Dona Ana County (partial) (Las Cruces)	SC – Catawba Indian Nation
LA – Baton Rouge	NM – Eddy County (Carlsbad)	TX - Austin
LA – Houma-Thibodaux	NM – Lea County (Lovington)	TX – Corpus Christi
LA – Lake Charles	NM – San Juan County (Aztec, Farmington)	TX – Hood County (outside DFW)
LA – New Orleans	NC – Entire State	TX - Houston
LA – Shreveport	NC – Cumberland County (Fayetteville)	TX – San Antonio
MN – Entire State	NC – Mecklenburg County (Charlotte)	UT – Uinta Basin
MO/KS/OK – Joplin	OK – Oklahoma City	VT - Rutland
- * We are reaching out to areas with design values that are approaching the level of the NAAQS and that may be good candidates for Advance.
- * Management of the Advance program within OAQPS is shifting from the Outreach and Information Division to the Air Quality Policy Division.

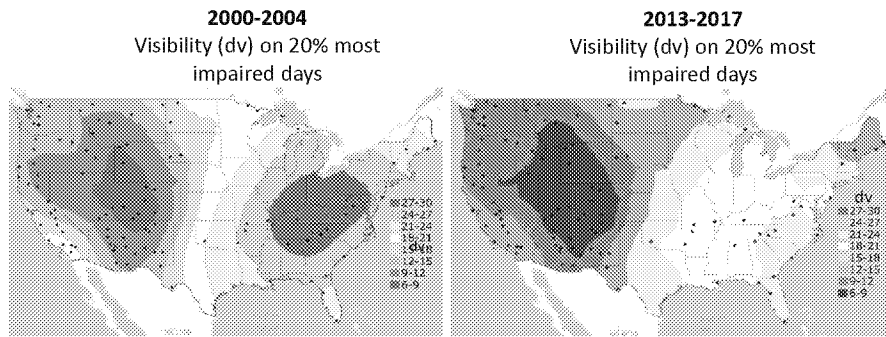


Regional Haze Program

- ♦ “Regional haze” is defined at 40 CFR 51.301 as “visibility impairment that is caused by the emission of air pollutants from numerous anthropogenic sources located over a wide geographic area.”
- ♦ The Regional Haze Rule (RHR or Rule) requires states to submit a series of State Implementation Plans (SIPs) to protect visibility in Class I areas, and governs states’ obligations and EPA’s review of periodic SIPs developed for the second and subsequent implementation periods.
- ♦ In January 2017, EPA issued a final rule updating the regional haze program, including revising portions of the visibility protection rule promulgated in 1980 and the Regional Haze Rule promulgated in 1999.



First Planning Period: Visibility is Improving



- The National Park Service estimates that as of mid-2014, emission controls established under the first planning period led to approximately 500,000 tons/year of SO₂ and 300,000 tons/year of NO_x reductions
- EPA estimates that visibility has improved significantly with the average visual range increased by 20 – 30 miles in Class I areas



Regional Haze: Ongoing Work

- Moving forward as described in the September 11, 2018, Regional Haze Reform Roadmap and supporting states for the second and future implementation periods:
 - 2018 Technical Guidance on Tracking Visibility Progress (completed Dec. 2018)
 - Guidance on Regional Haze State Implementation Plans for the Second Implementation Period (completed August 2019)
 - 2028 Modeling including estimates of U.S. and international source contributions for Class I Areas (completed September 2019)
- Second planning period SIPs due by July 31, 2021
- EPA remains engaged in SIP development
 - Some states plan to submit in 2019
 - We encourage early engagement on all SIPs; Regional Offices are available for questions or preliminary feedback
 - We are participating in the CenSARA Regional Haze National Meeting, October 28-30 in St. Louis, MO



Permitting Related Updates

Stakeholder Input and EPA Air Permitting Priorities

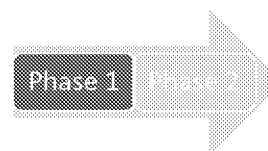
- **Stakeholder Input**

- Presidential Memorandum: "Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing"
- E.O. 13777: "Enforcing the Regulatory Reform Agenda"
- General Themes
 - Permit Processing: Reduce timelines; allow more activities to proceed prior to receipt of permit
 - NSR Applicability: Streamline applicability determination process; provide flexibility and reduce number of projects subject to burdensome requirements
 - Control Technology: Simplify BACT determination process
 - Air Quality Impacts: Improve models; reduce conservatism; address ambient air issues
 - Emission Offsets: Provide more flexibility to expand offset availability

- Consistent with Stakeholder Input and Administration priorities, EPA is taking steps to clarify, revise, and streamline the NSR permitting program



Phase 1 NSR Actions



- Actual-to-Projected-Actual Applicability Test Memo
- Project Emissions Accounting (Guidance, Rule)
- Source Aggregation Guidance (Common Control, Adjacency)
- PM_{2.5} and Ozone SILs Guidance
- Ambient Air Guidance
- Project Aggregation Reconsideration Final Action
- Affordable Clean Energy Rule NSR Applicability Test
- Treatment of Biogenic CO₂ from Biomass Combustion



Actual-to-Projected-Actual Applicability Test Memo

- * **Memorandum: “New Source Review Preconstruction Permitting Requirements: Enforceability and Use of the Actual-to-Projected-Actual Applicability Test in Determining Major Modification Applicability”**
 - * Signed by Administrator Pruitt December 7, 2017
 - * Where a source projects an insignificant emissions increase, the level of actual emissions after the project governs applicability
 - * Projections may reflect the intent to actively manage post-project operations in order to prevent a significant emissions increase from occurring
 - * EPA will not second guess NSR applicability analyses that comply with the procedural requirements of the regulations



Project Emissions Accounting

- ♦ **Memorandum: “Project Emissions Accounting Under the New Source Review Preconstruction Permitting Program”**
 - ♦ Signed by Administrator Pruitt on 3/13/18 (83 FR 13745; 3/30/18)
 - ♦ Memo Communicates EPA’s interpretation that the current NSR regulations provide that emissions decreases as well as increases are to be considered at Step 1 of the NSR applicability process, i.e., determining whether a project will result in a significant emissions increase
- ♦ **Proposed Rule (84 FR 39244, 8/9/19)**
 - ♦ Proposing revisions to the NSR regulations to fully clarify that both increases and decreases resulting from a project are to be accounted for under Step 1 of the applicability process for all project categories
 - ♦ Although the existing language in the NSR regulations supports this interpretation, rulemaking proposal is intended to clarify that and eliminate any uncertainty



Source Aggregation

- **Common Control – Meadowbrook Letter**

- 4/30/18 letter to PA DEP clarified EPA's interpretation of "common control"
- Letter explains EPA's view that control means the power or authority of one entity to dictate decisions of the other that could affect the applicability of, or compliance with, relevant air pollution regulatory requirements

- **Common Control – Ameresco Letter**

- 10/16/18 letter to WI DNR further clarified EPA's interpretation of "common control"
- In a situation where two entities each exercise some level of control of a single, limited aspect of otherwise separate operations, it is reasonable to conclude that they are separate sources
- Shared activities should be allocated to a single source to avoid unworkable outcomes

- **Adjacency**

- 2016 Rulemaking clarified "adjacent" for oil and gas operations (within ¼ mile + shared equipment)
- **9/5/18: "Draft Guidance: Interpreting Adjacent for New Source Review and Title V Source Determinations in All Industries other than Oil and Gas"**
 - EPA interprets "adjacent" to mean physical proximity; No bright line or fixed distance
 - For operations not in physical proximity, the existence of functional interrelationship shall not be invoked to establish adjacency



PM_{2.5} and Ozone SILs Guidance

- ♦ **Guidance on Significant Impact Levels (SILs) for Ozone and Fine Particles in the Prevention of Significant Deterioration Permitting Program**

- ♦ Signed April 17, 2018 (Peter Tsirigotis, OAQPS)
- ♦ Revised PM_{2.5} SILs/new ozone SILs:
 - ♦ Based on new technical approach and legal rationale
 - ♦ Streamline the air dispersion modeling process for PSD
- ♦ Guidance comprised of (1) Policy memorandum; (2) Technical document and (3) Legal support document
 - ♦ Where SILs are used, reference all three and include in any permit record
 - ♦ Not final agency action; not binding for industry, permitting authorities, or the public



Ambient Air Policy

- **EPA defines “ambient air” as “that portion of the atmosphere, external to buildings, to which the general public has access” (40 CFR 50.1(e))**
 - EPA’s longstanding policy for implementing ambient air for PSD purposes was stated in a 1980 Costle letter, *“the atmosphere over land that is owned or controlled by the source and to which public access is precluded by a fence or other physical barriers”*
 - Subsequent guidance provided over the years by EPA to recommend how to apply 1980 policy statement for specific situations
- **Draft policy “Revised Policy on Exclusions from Ambient Air” issued 11/9/18**
 - Limited change to the way EPA applies regulatory definition of ambient air
 - Change would replace specific concept of a fence or other physical barriers with *measures, which may include physical barriers, that are effective in deterring or precluding access to the land by the general public*



Project Aggregation Reconsideration

- **Background:**
 - 2009 “Interpretive Rule” for Project Aggregation Established “substantially related” criterion for aggregating projects, and a 3-year rebuttable presumption against aggregating
 - NRDC petitioned for reconsideration and sued EPA on the 2009 Rule
 - EPA granted reconsideration and stayed the effectiveness of the 2009 Rule pending completion of the reconsideration or litigation
- **Final Action--Reconsideration Final Rule (83 FR 57324; 11/15/18):**
 - Retains the 2009 Rule without amending the rule text or the 2009 interpretation
 - Addresses notice and comment deficiencies and responds to other issues raised by NRDC
 - Lifts the stay of the 2009 Rule, making the rule effective



ACE Rule EGU Hourly Emissions Test

- As part of the ACE proposed rule, EPA proposed to incorporate an hourly emissions test for NSR modification applicability for EGUs
- Three options proposed
- Hourly test would be a tool for states to implement the ACE rule; adoption would not be mandatory
- NSR rulemaking severed from June 19 final ACE rule
- We're working on it

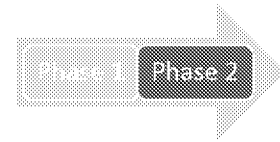


Treatment of Biogenic CO₂ in Air Permitting

- * FY2017, FY2018 and FY2019 Consolidated Appropriations Act outlines how EPA and other agencies are to establish consistent policies regarding the use of forest biomass for energy production including policies that reflect the carbon-neutrality of forest bioenergy
- * April 2018 EPA policy statement: Forthcoming regulatory actions will treat biogenic CO₂ resulting from the combustion of biomass from managed forests at stationary sources for energy production as carbon neutral
- * We're working on it



Phase 2 NSR Actions



- Plantwide Applicability Limit Guidance
- Begin Actual Construction Guidance
- NSR Actual-to-Projected-Actual Applicability Test Guidance
- Tribal NSR Oil & Gas FIP
- NSR Error Corrections Rule
- NSR Rule Reconsiderations



Phase 2 NSR Actions (cont.)

- * **Plantwide Applicability Limit (PAL) Guidance**
 - * PAL regulations were established as part of 2002 NSR reform
 - * Guidance would address elements of the PAL regulations that stakeholders have identified as sources of perceived risk/disincentive
- * **Begin Actual Construction Guidance**
 - * Sources cannot legally “begin actual construction” of a major source or major modification without first obtaining a major NSR permit
 - * Guidance would explore potential flexibilities under the existing regulatory language to allow certain non-emitting activities to be undertaken prior to obtaining a permit
- * **NSR Actual-to-Projected-Actual Applicability Test Guidance**
 - * Guidance would address certain elements of the 2002 NSR reform rule applicability regulations



Phase 2 NSR Actions (cont.)

- Tribal NSR Oil & Gas FIP
 - Proposed rule Part I Registration Form streamlining amendment, (84 FR 33715, 7/15/2019); comment period closed 9/13/19
- NSR Error Corrections Rule
 - Stand-alone rule to correct errors in NSR regulations
- NSR Rule Reconsiderations (in progress)
 - Ethanol Rule
 - Reasonable Possibility Rule
 - Fugitive Emissions Rule



Other Permitting Actions and Updates

- MACT Once In Always In Policy (Guidance, Rule)
- Title V Petitions & Petitions Process Rule
- Title V Petitions: NSR Interface
- Permitting Process Improvements
- E-Guidance Compendium
- Training



MACT Once In Always In Policy

49

- * **Memorandum: “Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act” (“MM2A memo”)**
 - * Signed by AA Bill Wehrum 1/25/18
 - * Withdraws 1995 Seitz memo “Once In Always In” (OIAI) policy
 - * Memo addresses when a major source subject to a maximum achievable control technology (MACT) standard, under section 112 of the Clean Air Act (CAA), may be reclassified as an area source and no longer subject to MACT requirements
 - * *Major source becomes area source at such time that source takes an enforceable limit on its potential to emit HAP below the major source thresholds (10 tons per year [tpy] of a single hazardous air pollutant or 25 tpy of any combination of HAP)*
- * **2019 MM2A Proposal** (84 FR 36304, 7/26/2019)
 - * Addresses questions received after 2018 MM2A Memorandum issued
 - * Reclassification process; Criteria for establishing effective PTE HAP limitations
 - * Supersedes and replaces 2007 NPRM NESHAP: General Provision Amendments; addresses reclassification issues covered in 2007 NPRM
 - * Timing for compliance with applicable NESHAP standards; Notification requirements; Recordkeeping requirements; Interaction with enforcement actions
 - * Comment period extended, closes 11/1/19



Title V Petitions & Petitions Process Rulemaking

- Title V Petitions continue to be a substantial work load

	<u>FY 2018</u>	<u>FY2019 (thru Sept.)</u>
Petitions Received	11	12
Petitions Resolved	34	21

- Trends: Increased focus on wood pellet manufacturing

- **Title V Petitions Process Rulemaking**

- Proposed rule August 15, 2016 (81 FR 57822); Final expected Fall 2019
- Proposal included changes in 3 key areas: method of petition submittals, required content/format of petitions; administrative record requirements for states.



Title V Petitions – NSR Interface

- PacifiCorp Hunter Order (10/16/2017) – EPA will not look back at decisions made in NSR permitting process in the context of Title V
 - Permitting agencies and EPA need not reevaluate- in the context of title V permitting, oversight, or petition responses- previously issued final preconstruction permits, especially those that have already been subject to public notice and comment and an opportunity for judicial review
 - Concerns with these final preconstruction permits should instead be handled under the authorities found in title I of the Act (e.g., enforcement actions under CAA § 113 or 167, state court appeals of preconstruction permits, or citizen enforcement actions under CAA § 304)
 - Where a final preconstruction permit has been issued, whether it is a major or minor NSR permit, the terms and conditions of that permit should be incorporated as "applicable requirements"
- Big River Steel Order (10/31/2017) – Applies same interpretation to fact set involving merged NSR/Title V program



Permitting Process Improvements

- **Increased use of electronic systems**
 - Central Data Exchange (CDX) for receipt of Title V petitions
 - Electronic Permitting System (EPS)
 - Working with 35 state and local programs to develop system that will allow electronic submittal of state-issued NSR, Title V, and other permits for EPA review
 - Also electronic processing of EPA-issued NSR and title V permits
 - Replacing and modernizing RACT/BACT/LAER Clearinghouse
- **EPA Permit Oversight Policy & Framework**
 - Goal is to develop a national approach to oversight of permits and permitting programs that is consistent and standardized
 - Would apply to the following EPA & state permit programs: NSR, Title V, NPDES, Underground Injection Control (UIC), and RCRA



Permitting References/Training

- E-Guidance Compendium
 - Enhancement to current NSR website
 - Organizing current guidance documents in NSR index by topic
- Training



Questions and Comments



NAAQS Implementation Milestones (October 2019)

Pollutant	Final NAAQS Signature	Nonattainment Designations Effective	Infrastructure SIP Due	Attainment Plans Due	Attainment Date
PM _{2.5} (2006)	Oct 2006	Dec 2009	Oct 2009	Dec 2014	Dec 2015 (Moderate) Dec 2019 (Serious)
Pb (2008)	Oct 2008	Dec 2010-2011	Oct 2011	June 2012-2013	Dec 2015-2019
PM _{2.5} (2012)	Dec 2012	Apr 2015	Dec 2015	Oct 2015 (Moderate)	Dec 2021 (Moderate) Dec 2025 (Serious)
NO _x (2010) (primary)	Jan 2010	Feb 2012	Jan 2013	N/A	N/A
SO ₂ (2010) (primary)	June 2010	Oct 2013, Sept 2016, Apr 2018 (early 2021)	June 2013	Apr 2015, Mar 2018, Oct 2019 (mid 2022)	Oct 2018, Sept 2021, Apr 2023 (early 2026)
Ozone (2005)	Mar 2008	July 2012	Mar 2011	July 2015-2016*	July 2021-2032
Ozone (2015)	Oct 2015	Aug 3, 2018 (Sep 24, 2018 for San Antonio, TX)	Oct 2018	Aug 2021-2022	Aug 2021-2038

* January 2017 for areas reclassified from Marginal to Moderate. August 2020 for areas reclassified from Moderate to Serious.



Message

From: Johnson, Yvonne W [Johnson.Yvonnew@epa.gov]
Sent: 10/3/2019 3:05:06 PM
To: Mary Uhl [maryuhl@westar.org]
CC: Mathias, Scott [Mathias.Scott@epa.gov]; Wayland, Richard [Wayland.Richard@epa.gov]
Subject: slides for your review
Attachments: SMathias_NAAQS Implem_CenSARafnl_9-30-19.pdf; Wayland Fall 2019 Monitoring Modeling Technical Updates.pdf

Attached are slides Scott and Chet used recently that as I understand you will review and let us know what you would like for them to focus on at WESTAR. If I can be of any assistance please let me know. Thank you.

Thank you,

Yvonne W. Johnson

Special Assistant to the Director
Air Quality Policy Division
Office of Air Quality Planning & Standards
U.S. Environmental Protection Agency
919-541-3921
johnson.yvonnew@epa.gov



NAAQS Implementation and Other Updates

Fall Air Directors' Meeting
CenSARA/Region 6/Region 7
October 2019

Scott Mathias, Acting Director, Air Quality Policy Division
Office of Air Quality Planning and Standards

Overview

- NAAQS Review Update
- EPA Strategic Plan Priority Goals
 - Nonattainment Areas
 - SIP Process Improvements
- NAAQS Implementation Updates
 - Ozone
 - Sulfur Dioxide (SO₂)
 - Fine Particulate Matter (PM_{2.5})
 - Lead (Pb)
- Exceptional Events
- Regional Haze
- Permitting



NAAQS Review Status

(Sept 2019)

	Ozone	Lead	Primary NO ₂	Primary SO ₂	Secondary (Ecological) NO ₂ , SO ₂ , PM ¹	PM ²	CO
Last Review Completed (final rule signed)	Oct. 2015	Sept 2016	April 2018	Feb 2019	Mar 2012	Dec 2012	Aug 2011
Recent or Upcoming Major Milestone(s)	<u>Sept/Oct 2019</u> Draft ISA and Draft PA ³ <u>Early 2020</u> Proposal <u>Late 2020</u> Final	TBD ⁴	TBD	TBD	<u>Timing of next steps is TBD</u> Final ISA; draft REA/PA	<u>Sept 5, 2019</u> Draft PA released to CASAC and public <u>Early 2020</u> Proposal <u>Late 2020</u> Final	TBD

Additional information regarding current and previous NAAQS reviews is available at: <http://www.epa.gov/ttn/naaqs/>

¹ Combined secondary (ecological effects only) review of NO₂, SO₂, and PM

² Combined primary and secondary (non-ecological effects) review of PM

³ IRP – Integrated Review Plan; ISA – Integrated Science Assessment; REA – Risk and Exposure Assessment; PA – Policy Assessment

⁴ TBD = To be determined



EPA Strategic Plan Foundation



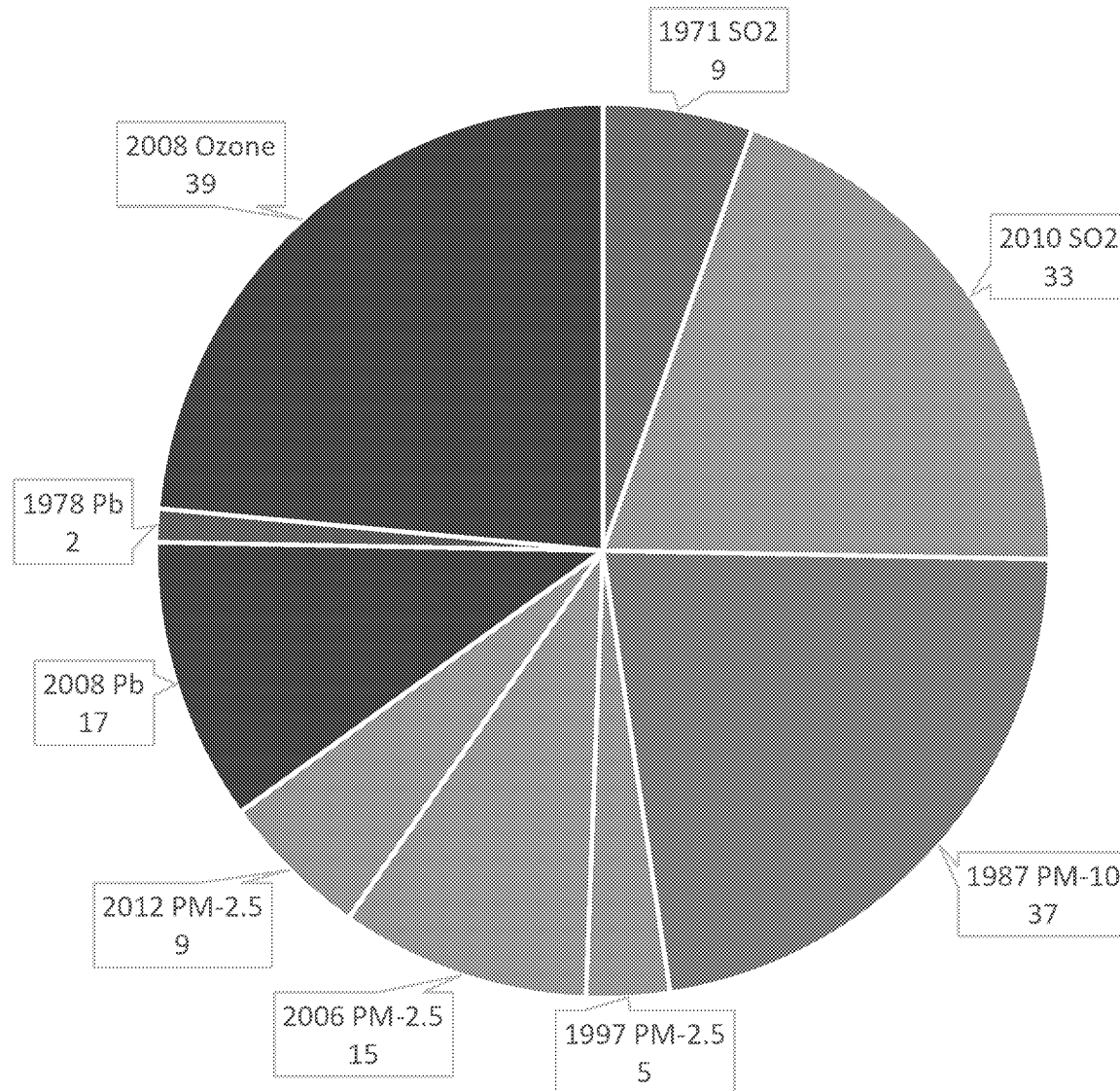
Goal 1: A Cleaner, Healthier Environment. Deliver a cleaner, safer and healthier environment for all Americans and future generations by carrying out the agency's core mission.

Goal 2: Provide certainty to states, localities, tribal nations and the regulated community in carrying out shared responsibilities and communicating results to all Americans.

Goal 3: Increase certainty, compliance and effectiveness by applying the rule of law to achieve more efficient and effective agency operations, service delivery and regulatory relief.



Nonattainment Areas for Non-revoked NAAQS as of October 1, 2017 (166)

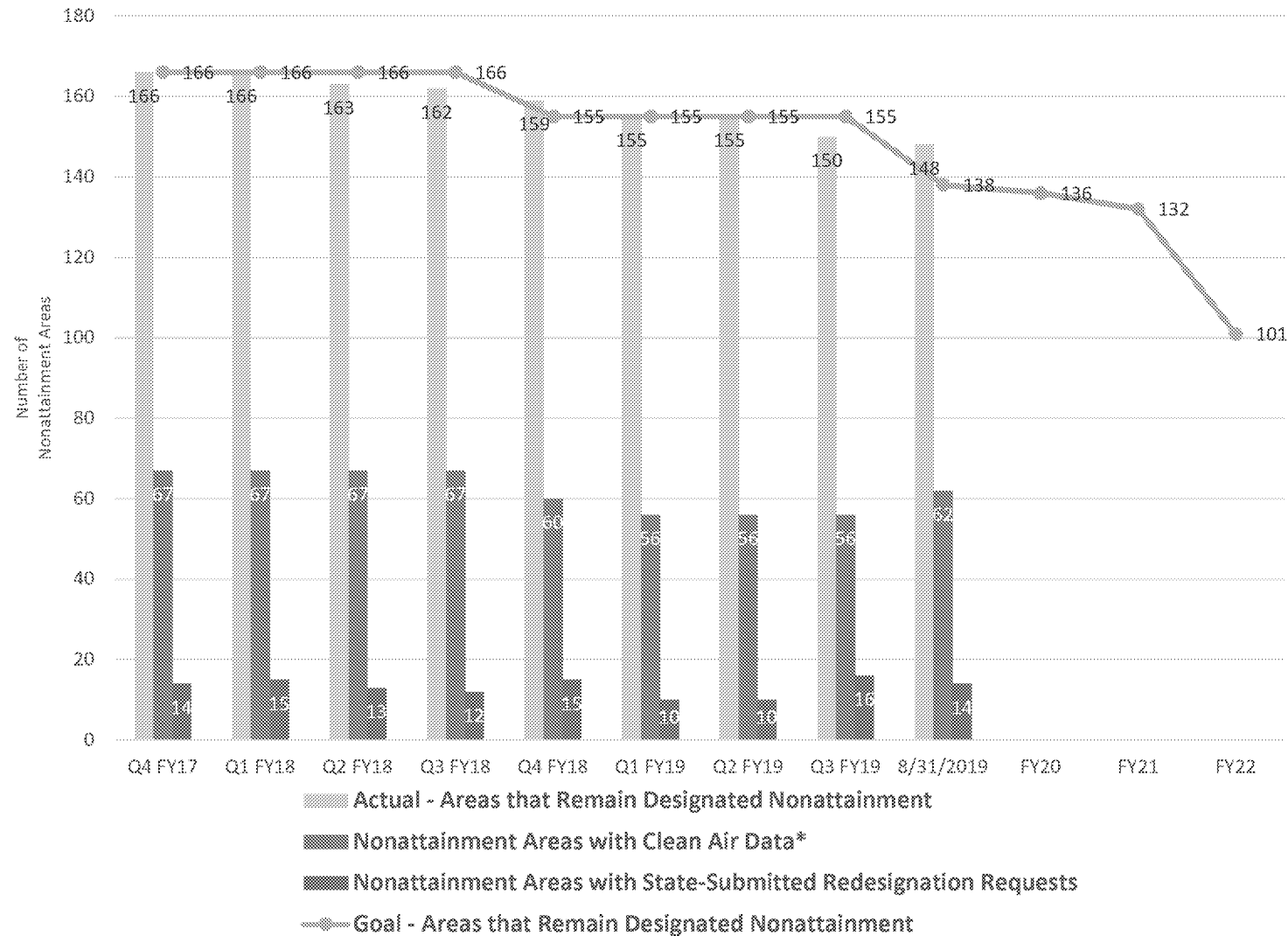


EPA Priority Goal: Reduce Number of Nonattainment Areas

- Work with states to prioritize redesignation request submissions.
- Ensure states have necessary rules, guidance, and tools.
- Improve the efficiency and effectiveness of the SIP/TIP process, including EPA's review process, to maximize timely processing of requested SIP/TIP actions.
- Take federal oversight actions, where necessary.
- For EPA to approve a state's requests to redesignate a nonattainment area, the request must meet the minimum Clean Air Act requirements, which include:
 - A demonstration that the area has air quality that is attaining the NAAQS;
 - Establishing that pollution reductions are due to implementing permanent and enforceable measures;
 - A 10-year maintenance plan that includes contingency measures to be triggered in the event of a re-violation of the NAAQS; and,
 - Satisfying any other applicable and outstanding attainment planning and emissions control requirements.

Agency Priority Goal: *By September 30, 2022, EPA, in close collaboration with states, will reduce the number of nonattainment areas to 101 from a baseline of 166.*

Reduce Number of Nonattainment Areas

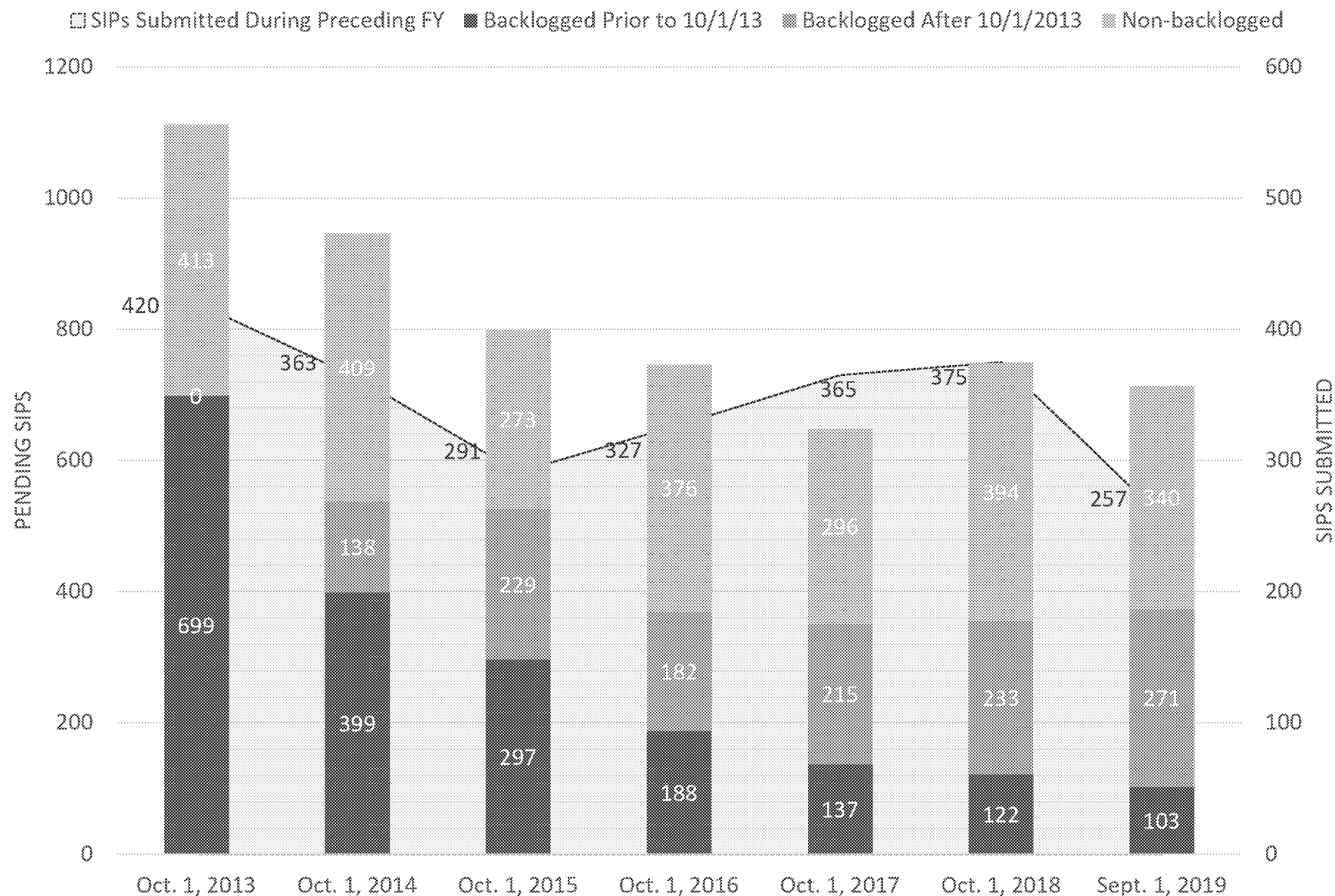


**Clean air data is a key step to redesignation to attainment, which can occur once an area's air quality attains the federal standard.*



Improving State Implementation Plan Reviews

SIPs Pending EPA Review – 2013 to July 1, 2019



CenSARA State SIP Backlog Report

(as of 9/24/2019)

Region 6		Region 7	
<u>State</u>	<u>Backlogged SIPs</u>	<u>State</u>	<u>Backlogged SIPs</u>
Arkansas	6	Iowa	10
Louisiana	2	Kansas	2
New Mexico	3	Missouri	4
Oklahoma	8	Nebraska	6
Texas	4		
<i>Total</i>	<i>23</i>	<i>Total</i>	<i>13</i>

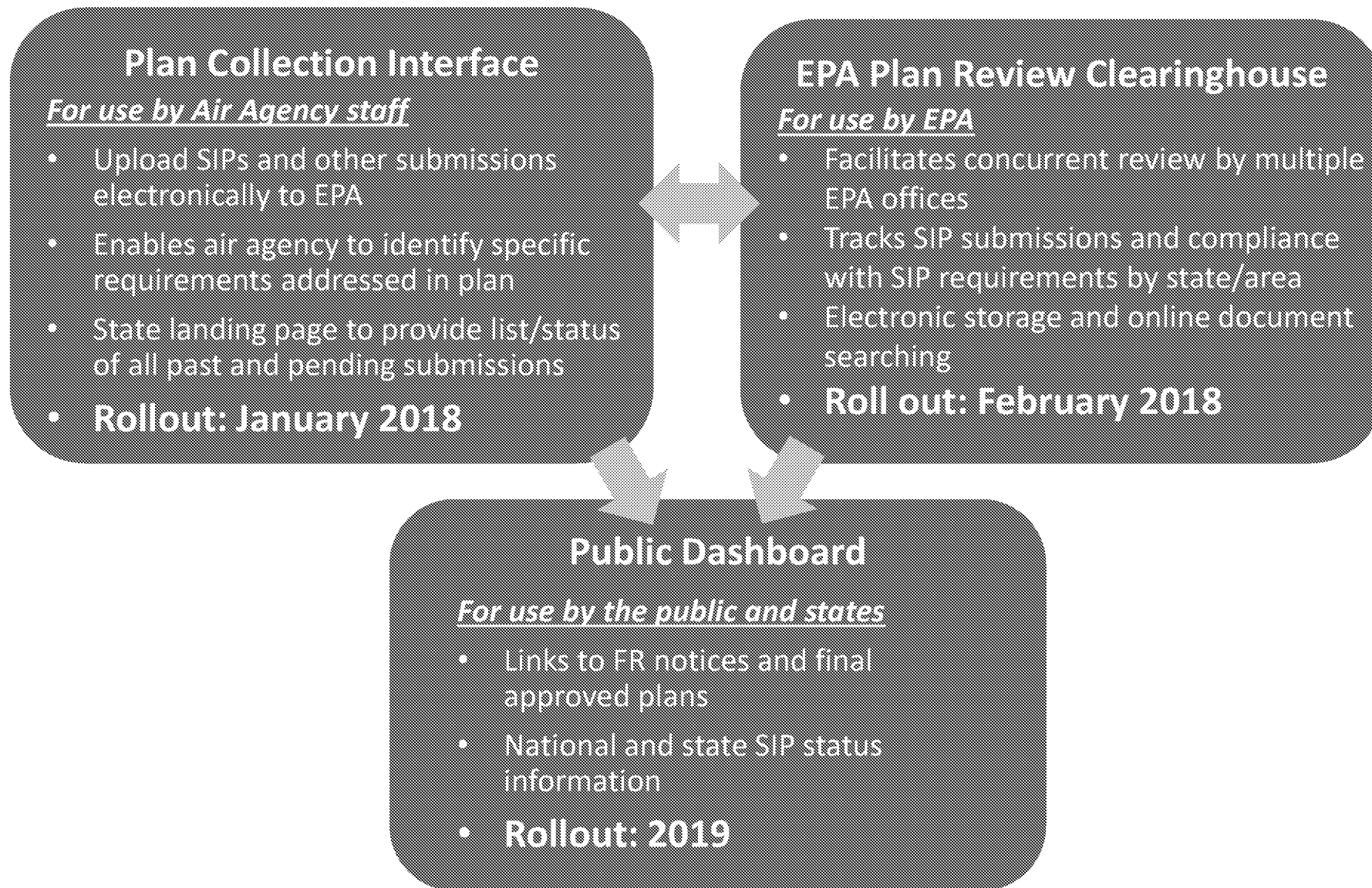


SIP Process Improvements

- Early engagement during SIP development
- Ozone Quick Start Guide
- Upcoming activities:
 - Consider key backlog reduction techniques for the most difficult SIPs including withdrawal and disapproval
 - SIP Lean Guide
 - Update external-facing “SIP streamlining” website
 - Develop internal New Process Standard Operating Procedure
 - Further develop State Plan Electronic Collaboration System (SPeCS)



State Plan Electronic Collaboration System (SPeCS) for SIPs



SPeCS for SIPs (cont.)

- Since January 2018, states have submitted more than 500 submissions
 - >430 official submissions and >70 draft submissions
- Plans for 2019 and Beyond
 - Complete Public Dashboard
 - Develop the Administrator Module
 - Develop the Regional Haze Module
 - Develop an Exceptional Events Demonstration Module
 - Integrate SIP Lean Efforts into SPeCS
 - Continuously improve the State Plan Collection Interface and EPA Clearinghouse based on on-going user feedback



Pollutant-Specific Implementation Updates

Ozone, SO₂, PM_{2.5}, Pb

2015 Ozone NAAQS Implementation Update

- 52 areas initially designated nonattainment:
 - 51 areas (excluding San Antonio) effective August 3, 2018 (83 FR 25776; 6/04/18)
 - San Antonio, Texas area effective September 24, 2018 (83 FR 35136; 7/25/18)

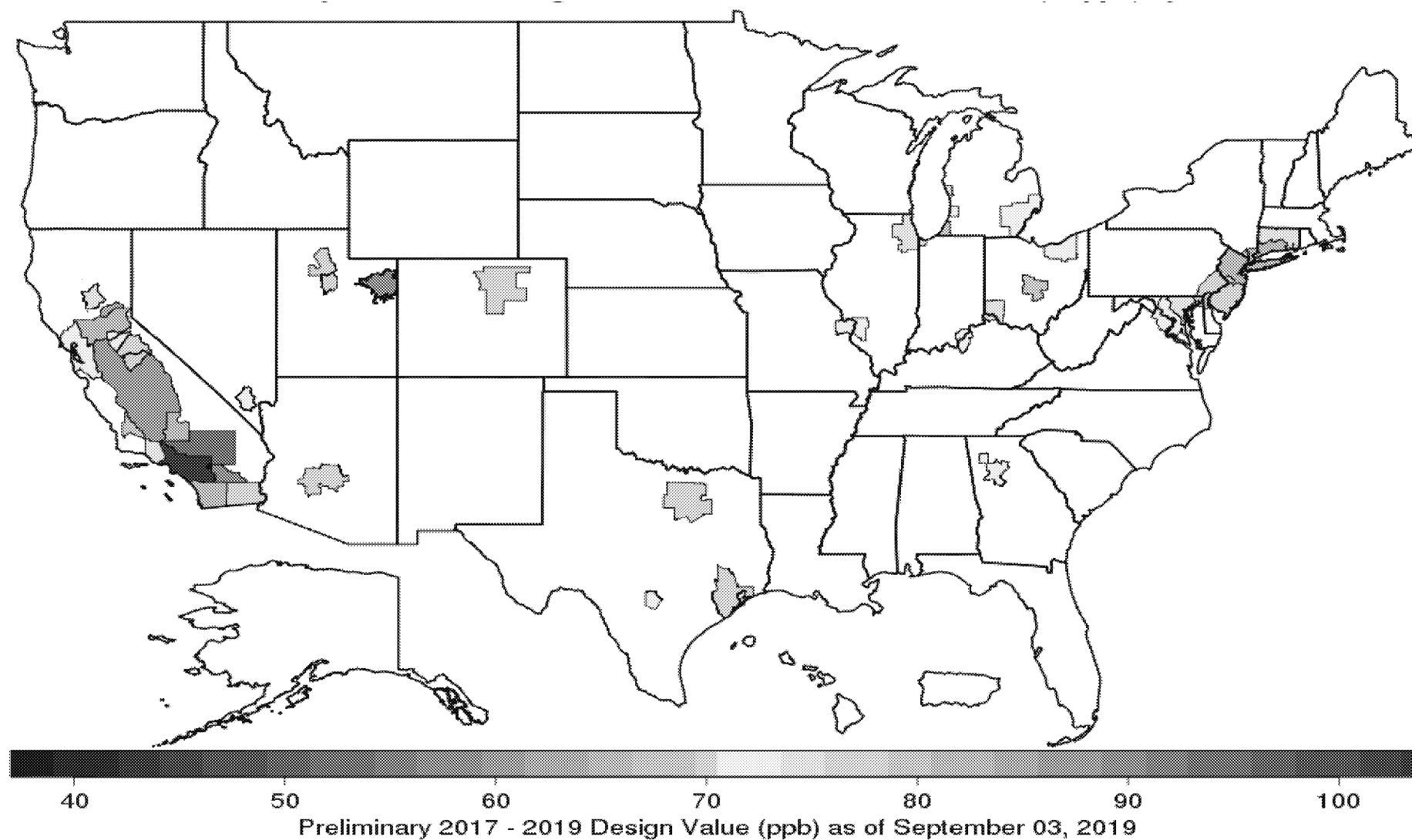
Classification	Number of Areas	Attainment Deadline (years)	Attainment Date
Marginal	39	3	August 3, 2021* (2018-2020 DV)
Moderate	5	6	August 3, 2024
Serious	2	9	August 3, 2027
Severe-15	2	15	August 3, 2033
Extreme	2	20	August 3, 2038
Rural Transport (Marginal)	2	N/A	---
TOTAL	52		

* Sep 24, 2021 for San Antonio, TX area

- Columbus, OH area redesignated to attainment (84 FR 43508; 8/21/19)
- Initial SIP submittals (emissions inv./statements) due August 3, 2020



Preliminary 2017-2019 Design Values for 2015 Ozone Nonattainment Areas (70 ppb NAAQS)



2015 Ozone NAAQS Implementation Update (cont.)

- Infrastructure SIP update
 - SIPs were due October 1, 2018
 - EPA has received 34 full submittals and 9 partial submittals
- Litigation on 2015 Ozone NAAQS SIP Requirements Rule
 - Final rule published December 6, 2018 (83 FR 62998)
 - Petitioners' brief filed July 22, 2019:
 - NNSR interprecursor trading
 - RFP requirements: milestone compliance demonstrations
 - RFP requirements: alternative baseline year
 - Early implemented contingency measures
 - EPA's reply brief due November 1, 2019; oral arguments timing TBD



2015 Ozone NAAQS Interstate Transport

- EPA is actively reviewing submitted 2015 ozone NAAQS transport SIPs
 - Received 40 of 56 states/jurisdictions
 - Finalized approval action on 2 state SIPs
 - Proposed approval on an additional 4 SIPs
- Notice of Intent (NOI) to file mandatory duty deadline suit to make Findings of Failure to Submit (FFS) outstanding interstate transport SIPs that were due October 1, 2018
 - On September 5, 2019, EPA announced its intent to make findings that certain states have failed to submit interstate transport SIPs for the 2015 ozone NAAQS. (see <https://www.epa.gov/airmarkets/interstate-air-pollution-transport>)
 - EPA intends to issue FFS on November 22, 2018
 - SIPs need to be “complete” to be excluded from the FFS

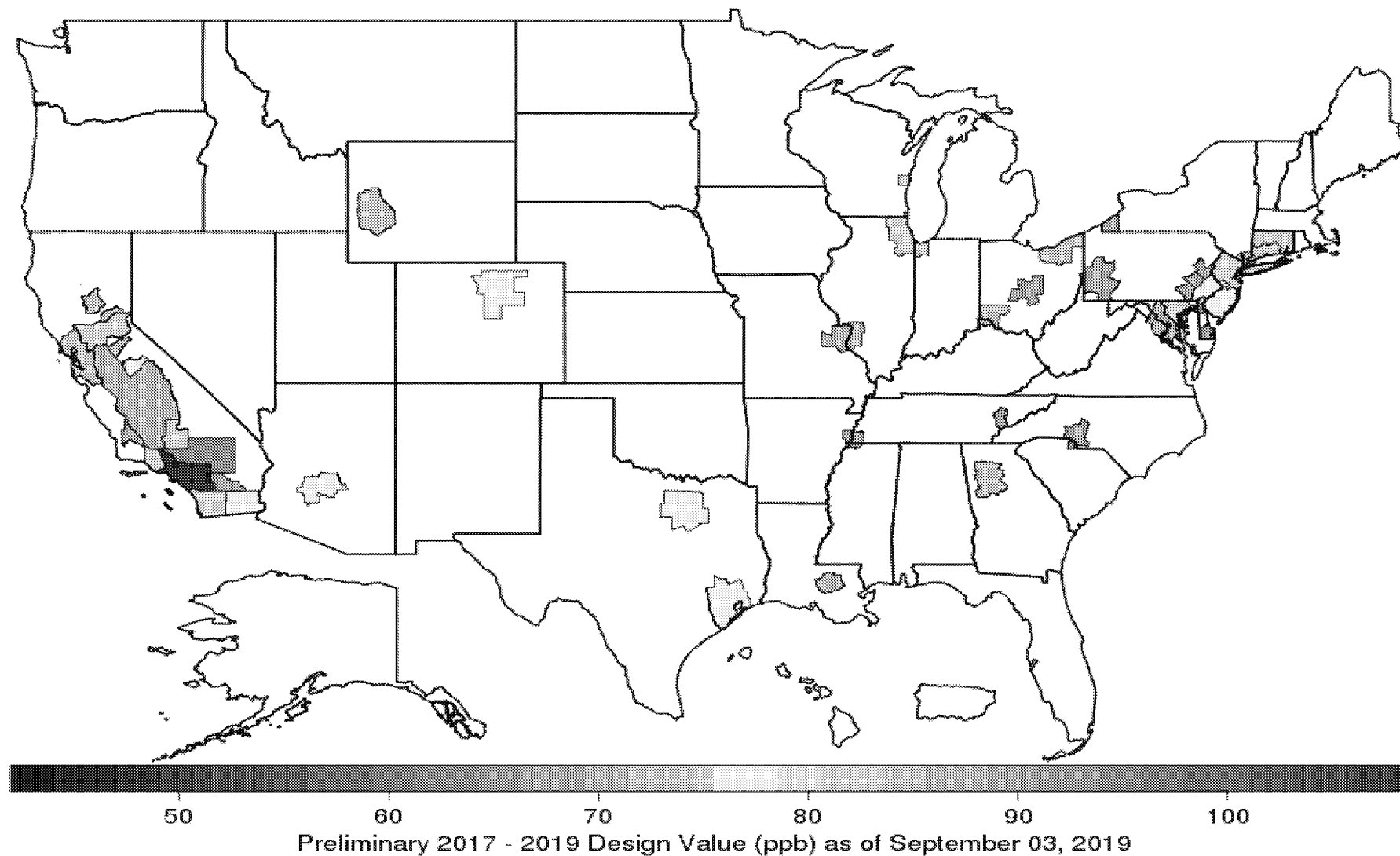


2008 Ozone NAAQS Implementation Update

- Moderate area update
 - Moderate area Determinations of Attainment by the Attainment Date for 11 areas published August 23, 2019 (84 FR 44238), effective September 23, 2019
 - The action establishes new SIP submittal and RACT implementation deadlines for newly-reclassified Serious areas
 - 1-year attainment date extension for Sheboygan County, WI to July 2019
 - Separate related actions for Denver, CO; Phoenix, AZ; Imperial County, CA; and Kern County, CA
- 2008 Ozone NAAQS Interstate Transport
 - CSAPR Update – September 13, 2019, D.C. Circuit decision on *Wisconsin v. EPA* ruled for EPA on a number of issues but concluded that EPA's interpretation of the Good Neighbor Provision was unreasonable with regard to the timing of upwind emissions reductions. The court remanded the CSAPR Update without vacatur. EPA is currently reviewing the decision and discussing options.
 - CSAPR Closeout - Litigation is pending in the D.C. Circuit. Considering September 13, 2019, *Wisconsin* decision, Court granted EPA's motion to postpone oral arguments, originally scheduled for September 20, 2019.



Preliminary 2017-2019 Design Values for **2008 Ozone Nonattainment Areas** (75 ppb NAAQS)



1997 Ozone NAAQS Implementation Update

- The February 2018 *South Coast II* ruling upheld EPA's general authority to revoke a prior NAAQS with adequate antibacksliding protections ("controls") but reversed several key antibacksliding approaches for the revoked 1997 ozone NAAQS, including:
 - duty to reclassify areas upon failure to timely attain; and
 - "redesignation substitute" mechanisms to terminate antibacksliding controls
 - 2nd 10-year maintenance plans
- The ruling held that to remove antibacksliding requirements, areas that were designated nonattainment for the 1997 NAAQS at time of revocation needed to meet all redesignation requirements under CAA section 107(d)(3). Recent related proposed approvals include:
 - Houston-Galveston-Brazoria, TX area (84 FR 22093; 5/16/19)
 - Dallas-Fort Worth, TX area (84 FR 29471; 6/24/19)
- EPA provided "Resource Document" to assist states with preparing second 175A maintenance plans, including "limited maintenance plans." <https://www.epa.gov/ground-level-ozone-pollution/1997-ozone-national-ambient-air-quality-standards-naaqs-nonattainment>



2010 SO₂ NAAQS Implementation Update

- **Approved attainment plans:** Currently, 15 SIPs for the initial 29 Round 1 nonattainment areas have been approved. HQ is working with affected Regional Offices and states on addressing approvability issues for the remaining SIPs.
- **Mandatory duty deadline lawsuit:**
 - The Center for Biological Diversity, Center for Environmental Health and the Sierra Club (CBD) filed suit on June 14, 2018 (amended on December 17, 2018) to compel EPA to act on several SIPs submitted for Round 1 areas. The lawsuit also sought to compel EPA to issue findings of failure to submit (FFS) for several nonattainment areas designated in Round 2 or for the 1971 SO₂ NAAQS.
 - Draft consent decree (CD): On September 4, 2019, EPA published in the Federal Register a proposal notice under CAA section 113(g) for 30-day public comment:
 - › Take action on 12 submitted Round 1 SIPs by October 2020 (including one by April 2020).
 - › Issue FFS, which EPA has already completed on September 9, 2019 (two areas).
- **Interstate transport:** EPA continues to make good progress approving submitting SO₂ interstate transport SIPs and continues to work with states to submit approvable SIPs addressing the good neighbor provision.



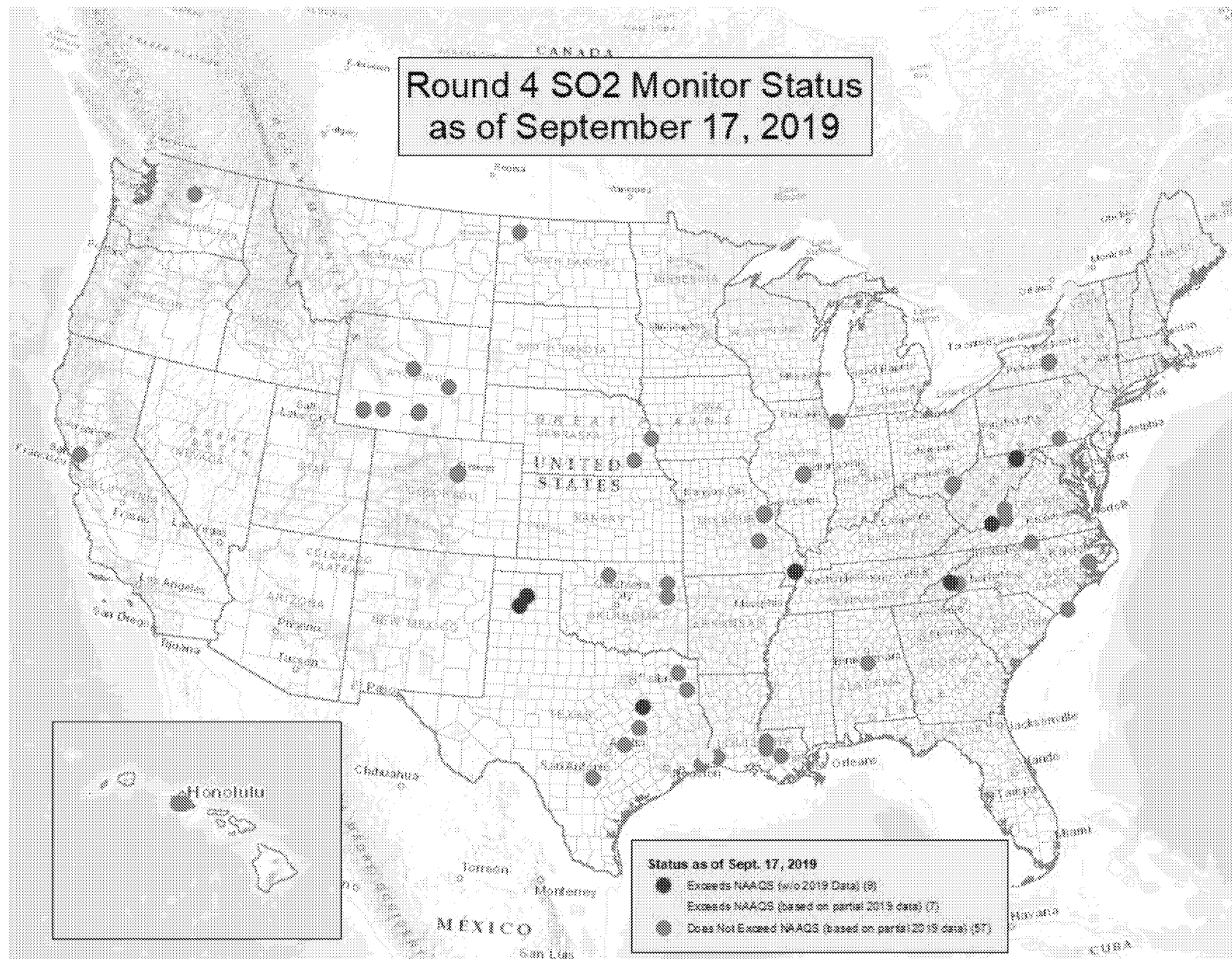
Round 4 SO₂ NAAQS Area Designations

- EPA must designate all remaining portions of the U.S. by December 31, 2020.
- Round 4 Process Guidance Memo issued September 5, 2019.

Milestone	Date
States and tribes certify 2019 SO ₂ monitoring data	No later than May 1, 2020
States and tribes may submit updated recommendations and supporting information for area designations to EPA*	No later than May 1, 2020
States submit exceptional events demonstrations for event-influenced SO ₂ monitoring data from 2017-2019	No later than May 1, 2020
EPA notifies states and tribes concerning any intended modifications to their recommendations (120-day letters)	On or about August 13, 2020
EPA publishes public notice of state and tribal recommendations and EPA's intended modifications, initiating a 30-day public comment period	On or about August 26, 2020 (No later than 120 days prior to final designations)
End of 30-day public comment period	On or about September 25, 2020
In response to EPA's intended designations, states and tribes submit additional information, if desired, to demonstrate why EPA's proposed modification in the 120-day letter to the state's recommended designation or boundary is inappropriate	No later than October 16, 2020
EPA signs notice promulgating final SO ₂ area designations for Round 4	On or about December 17, 2020 (No later than December 31, 2020)

* For any remaining undesignated area (i.e., those areas that installed and began operating EPA-approved SO₂ monitoring networks pursuant to the DRR and that have not been previously designated).





Progress on PM_{2.5} NAAQS Attainment

(as of August 2019)

	1997 PM _{2.5} (2005 Designations)	2006 PM _{2.5} (2009 Designations)	2012 PM _{2.5} (2015 Designations)
Initial Nonattainment Areas	39	32	9
Areas Redesignated to Attainment	35	18	1
Current Nonattainment Areas	4	14	8
Clean Data Determinations	3	10	3
Attainment Deadlines	Serious 11/2021	Serious 12/2019	Moderate 12/2021 Serious 12/2025



PM_{2.5} NAAQS Implementation: 2019 Actions

DATE	STATE	AREA	NAAQS	ACTION
5/28/2019	IL	St. Louis	1997	Final Redesignation
4/10/2019	UT	Provo	2006	Final Clean Data Determination
4/25/2019	AZ	West Central Pinal	2006	Proposed Clean Data Determ.
6/5/2019	UT	Salt Lake City	2006	Proposed Clean Data Determ.
4/12/2019	OH	Cleveland	2012	Final Redesignation
7/16/2019	PA	Lebanon County	2012	Proposed Redesignation
7/16/2019	PA	Delaware County	2012	Proposed Redesignation

- PM_{2.5} Precursor Demonstration Guidance issued in May 2019



Lead (Pb) NAAQS Implementation Update

- Of the 22 areas designated nonattainment for the 2008 Pb NAAQS, 11 have been redesignated to attainment
- All areas have fulfilled attainment planning requirements
- Current focus:
 - Remaining redesignations
 - Monitor removal issues



Exceptional Events Update

- EPA has concurred on 30 state demonstrations that were submitted since EPA revised the Exceptional Events Rule in September 2016
- We continue developing new guidance documents to help right-size demonstrations and facilitate the exceptional events process – Thank you for feedback on drafts!
 - **Stratospheric Ozone Intrusion Guidance – Released November 2018**
 - **Updated High Wind Dust Event Guidance – Released April 4, 2019**
 - **Clarification Memo on Data Modification – Released April 4, 2019**
 - **Prescribed Fire Guidance – Released August 9, 2019**
- EPA's exceptional events webpage provides key resources, including example demonstrations for Ozone and PM, and will continue to be updated as new materials become available

<https://www.epa.gov/air-quality-analysis/treatment-air-quality-data-influenced-exceptional-events>



ADVANCE

www.epa.gov/advance

- A collaborative effort by EPA, states, tribes and local governments to achieve ongoing emission reductions in areas designated as attainment/maintenance for ozone or PM2.5.
- Our current partners are located in 36 areas in 20 states and 9 of the 10 EPA Regions. Region 6/7 state participants include 20 of the 36 current Advance areas:
 - LA – 5 areas; NM – 4 areas; OK – 2 areas; TX – 5 areas; IA – 1 area; MO – 3 areas
 - There remain a significant number of areas with design values that are approaching the level of the NAAQS and that may be good candidates for Advance.
- Management of the Advance program within OAQPS is shifting from the Outreach and Information Division to the Air Quality Policy Division.

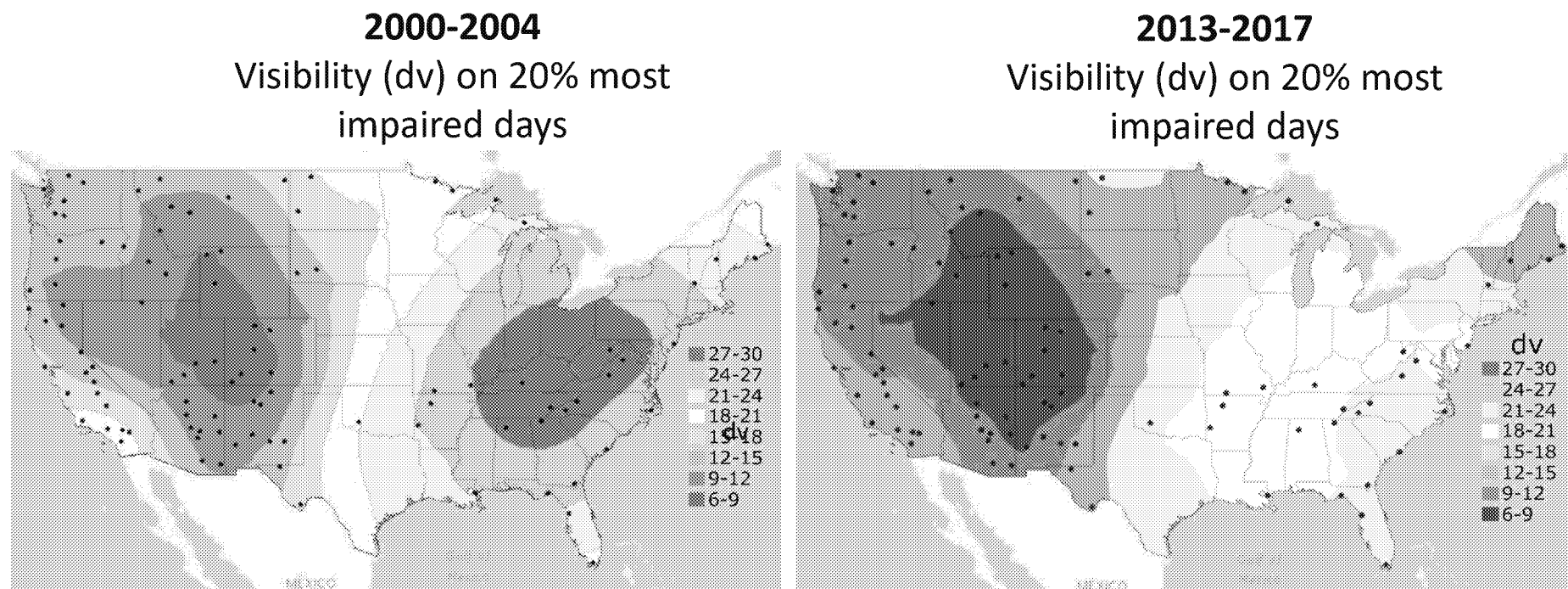


Regional Haze Program

- “Regional haze” is defined at 40 CFR 51.301 as “visibility impairment that is caused by the emission of air pollutants from numerous anthropogenic sources located over a wide geographic area.”
- The Regional Haze Rule (RHR or Rule) requires states to submit a series of State Implementation Plans (SIPs) to protect visibility in Class I areas, and governs states’ obligations and EPA’s review of periodic SIPs developed for the second and subsequent implementation periods.
- In January 2017, EPA issued a final rule updating the regional haze program, including revising portions of the visibility protection rule promulgated in 1980 and the Regional Haze Rule promulgated in 1999.



First Planning Period: Visibility is Improving



- The National Park Service estimates that as of mid-2014, emission controls established under the first planning period led to approximately 500,000 tons/year of SO₂ and 300,000 tons/year of NO_x reductions
- EPA estimates that visibility has improved significantly with the average visual range increased by 20 – 30 miles in Class I areas



Regional Haze: Ongoing Work

- Moving forward as described in the September 11, 2018, Regional Haze Reform Roadmap and supporting states for the second and future implementation periods:
 - 2018 Technical Guidance on Tracking Visibility Progress (completed Dec. 2018)
 - Guidance on Regional Haze State Implementation Plans for the Second Implementation Period (completed August 2019)
 - 2028 Modeling including estimates of U.S. and international source contributions for Class I Areas (completed September 2019)
- Second planning period SIPs due by July 31, 2021
- EPA remains engaged in SIP development
 - Some states plan to submit in 2019
 - We encourage early engagement on all SIPs
 - Regional Offices are available for questions or preliminary feedback
 - We are participating in the CenSARA Regional Haze National Meeting, October 28-30 in St. Louis, MO



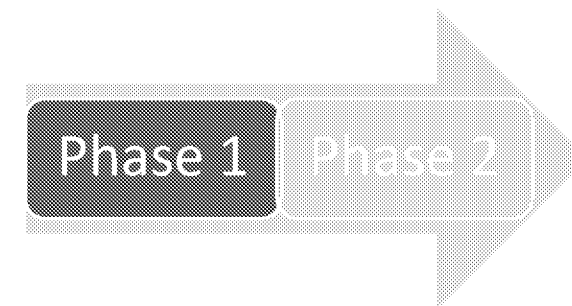
Permitting Related Updates

Stakeholder Input and EPA Air Permitting Priorities

- Stakeholder Input
 - Presidential Memorandum: “Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing”
 - E.O. 13777: “Enforcing the Regulatory Reform Agenda”
 - General Themes
 - Permit Processing: Reduce timelines; allow more activities to proceed prior to receipt of permit
 - NSR Applicability: Streamline applicability determination process; provide flexibility and reduce number of projects subject to burdensome requirements
 - Control Technology: Simplify BACT determination process
 - Air Quality Impacts: Improve models; reduce conservatism; address ambient air issues
 - Emission Offsets: Provide more flexibility to expand offset availability
- Consistent with Stakeholder Input and Administration priorities, EPA is taking steps to clarify, revise, and streamline the NSR permitting program



Phase 1 NSR Actions



- Actual-to-Projected-Actual Applicability Test Memo
- Project Emissions Accounting (Guidance, Rule)
- Source Aggregation Guidance (Common Control, Adjacency)
- PM_{2.5} and Ozone SILs Guidance
- Project Aggregation Reconsideration Final Action
- Ambient Air Guidance
- Affordable Clean Energy Rule NSR Applicability Test
- Treatment of Biogenic CO₂ from Biomass Combustion



Actual-to-Projected-Actual Applicability Test Memo

- **Memorandum: “New Source Review Preconstruction Permitting Requirements: Enforceability and Use of the Actual-to-Projected-Actual Applicability Test in Determining Major Modification Applicability”**
 - Signed by Administrator Pruitt 12/7/17
 - Where a source projects an insignificant emissions increase, the level of actual emissions after the project governs applicability
 - Projections may reflect the intent to actively manage post-project operations in order to prevent a significant emissions increase from occurring
 - EPA will not second guess NSR applicability analyses that comply with the procedural requirements of the regulations



Project Emissions Accounting

- **Memorandum: “Project Emissions Accounting Under the New Source Review Preconstruction Permitting Program”**
 - Signed by Administrator Pruitt on 3/13/18 (83 FR 13745; 3/30/18)
 - Memo Communicates EPA’s interpretation that the current NSR regulations provide that emissions decreases as well as increases are to be considered at Step 1 of the NSR applicability process, i.e., determining whether a project will result in a significant emissions increase
- **Proposed Rule (84 FR 39244, 8/9/19)**
 - Proposing revisions to the NSR regulations to fully clarify that both increases and decreases resulting from a project are to be accounted for under Step 1 of the applicability process for all project categories
 - Although the existing language in the NSR regulations supports this interpretation, rulemaking proposal is intended to clarify that and eliminate any uncertainty



Source Aggregation

- **Common Control – Meadowbrook Letter**

- 4/30/18 letter to PA DEP clarified EPA's interpretation of "common control"
- Letter explains EPA's view that control means the power or authority of one entity to dictate decisions of the other that could affect the applicability of, or compliance with, relevant air pollution regulatory requirements

- **Common Control – Ameresco Letter**

- 10/16/18 letter to WI DNR further clarified EPA's interpretation of "common control"
- In a situation where two entities each exercise some level of control of a single, limited aspect of otherwise separate operations, it is reasonable to conclude that they are separate sources
- Shared activities should be allocated to a single source to avoid unworkable outcomes

- **Adjacency**

- 2016 Rulemaking clarified "adjacent" for oil and gas operations (within ¼ mile + shared equipment)
- **9/5/18: "Draft Guidance: Interpreting Adjacent for New Source Review and Title V Source Determinations in All Industries other than Oil and Gas"**
 - EPA interprets "adjacent" to mean physical proximity; No bright line or fixed distance
 - For operations not in physical proximity, the existence of functional interrelationship shall not be invoked to establish adjacency



PM_{2.5} and Ozone SILs Guidance

- **Guidance on Significant Impact Levels (SILs) for Ozone and Fine Particles in the Prevention of Significant Deterioration Permitting Program**
 - Signed 4/17/18 (Peter Tsirigotis, OAQPS)
 - Revised PM_{2.5} SILs/new ozone SILs:
 - Based on new technical approach and legal rationale
 - Streamline the air dispersion modeling process for PSD
 - Guidance comprised of (1) Policy memorandum; (2) Technical document and (3) Legal support document
 - Where SILs are used, reference all three and include in any permit record
 - Not final agency action; not binding for industry, permitting authorities, or the public



Project Aggregation Reconsideration

- Background:
 - 2009 “Interpretive Rule” for Project Aggregation Established “substantially related” criterion for aggregating projects, and a 3-year rebuttable presumption against aggregating
 - NRDC petitioned for reconsideration and sued EPA on the 2009 Rule
 - EPA granted reconsideration and stayed the effectiveness of the 2009 Rule pending completion of the reconsideration or litigation
- Final Action--Reconsideration Final Rule (83 FR 57324; 11/15/18):
 - Retains the 2009 Rule without amending the rule text or the 2009 interpretation
 - Addresses notice and comment deficiencies and responds to other issues raised by NRDC
 - Lifts the stay of the 2009 Rule, making the rule effective



Ambient Air Policy

- EPA defines “*ambient air*” as “that portion of the atmosphere, external to buildings, to which the general public has access” (40 CFR 50.1(e))
 - EPA’s longstanding policy for implementing ambient air for PSD purposes was stated in a 1980 Costle letter, “*the atmosphere over land that is owned or controlled by the source and to which public access is precluded by a fence or other physical barriers*”
 - Subsequent guidance provided over the years by EPA to recommend how to apply 1980 policy statement for specific situations
- **Draft policy “Revised Policy on Exclusions from Ambient Air” issued 11/9/18**
 - Limited change to the way EPA applies regulatory definition of ambient air
 - Change replaces specific concept of a fence or other physical barriers with *measures, which may include physical barriers, that are effective in deterring or precluding access to the land by the general public*



ACE Rule EGU Hourly Emissions Test

- As part of the ACE proposed rule, EPA proposed to incorporate an hourly emissions test for NSR modification applicability for EGUs
- Three options proposed
- Hourly test would be a tool for states to implement the ACE rule; adoption would not be mandatory
- NSR rulemaking severed from 6/19 final ACE rule
- We're working on it

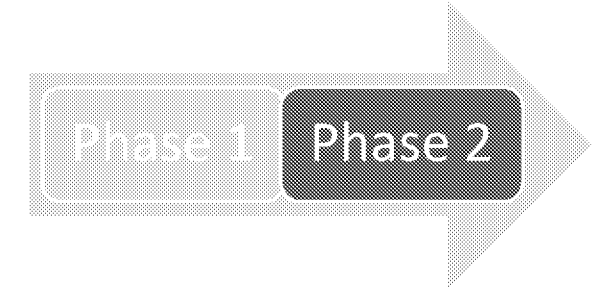


Treatment of Biogenic CO₂ in Air Permitting

- FY2017 and FY2019 Consolidated Appropriations Act outlines how EPA and other agencies are to establish consistent policies regarding the use of forest biomass for energy production including policies that reflect the carbon-neutrality of forest bioenergy
- 4/18 EPA policy statement: Forthcoming regulatory actions will treat biogenic CO₂ resulting from the combustion of biomass from managed forests at stationary sources for energy production as carbon neutral
- We're working on it



Phase 2 NSR Actions



- Tribal NSR Oil & Gas FIP
- NSR Error Corrections Rule
- Plantwide Applicability Limit Guidance
- NSR Actual-to-Projected-Actual Applicability Test Guidance
- Begin Actual Construction Guidance
- NSR Rule Reconsiderations



Phase 2 NSR Actions (cont.)

- Tribal NSR Oil & Gas FIP
 - Proposed rule Part I Registration Form streamlining amendment, (84 FR 33715, 7/15/2019); comment period closes 9/13/19
- NSR Error Corrections Rule
 - Stand-alone rule to correct errors in NSR regulation
- Plantwide Applicability Limit (PAL) Guidance
 - PAL regulations were established as part of 2002 NSR reform
 - Guidance would address elements of the PAL regulations that stakeholders have identified as sources of perceived risk/disincentive
- NSR Actual-to-Projected-Actual Applicability Test Guidance
 - Guidance would address certain elements of the 2002 NSR reform rule applicability regulations



Phase 2 NSR Actions (cont.)

- Begin Actual Construction Guidance
 - Sources cannot legally “begin actual construction” of a major source or major modification without first obtaining a major NSR permit
 - Guidance would explore potential flexibilities under the existing regulatory language to allow certain non-emitting activities to be undertaken prior to obtaining a permit
- NSR Rule Reconsiderations (in progress)
 - Reasonable Possibility Rule
 - Fugitive Emissions Rule
 - Ethanol Rule



Other Permitting Actions and Updates

- MACT Once In Always In Policy (Guidance, Rule)
- Title V Petitions & Petitions Process Rule
- Title V Petitions: NSR Interface
- Permitting Process Improvements
- E-Guidance Compendium
- Training



MACT Once In Always In Policy

- **Memorandum: “Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act” (“MM2A memo”)**
 - Signed by AA Bill Wehrum 1/25/18
 - Memo addresses when a major source subject to a maximum achievable control technology (MACT) standard, under section 112 of the Clean Air Act (CAA), may be reclassified as an area source and no longer subject to MACT requirements
 - Withdraws 1995 Seitz memo “Once In Always In” (OIAI) policy, which required major sources to limit potential to emit to below the major source threshold by the first compliance date to be treated as an area source
 - *Major source becomes area source at such time that source takes an enforceable limit on its potential to emit HAP below the major source thresholds (10 tons per year [tpy] of a single hazardous air pollutant or 25 tpy of any combination of HAP)*
- **2019 MM2A Proposal (84 FR 36304, 7/26/2019)**
 - Addresses questions received after 2018 MM2A Memorandum issued
 - Reclassification process; Criteria for establishing effective PTE HAP limitations
 - Supersedes and replaces 2007 NPRM NESHAP: General Provision Amendments; addresses reclassification issues covered in 2007 NPRM
 - Timing for compliance with applicable NESHAP standards; Notification requirements; Recordkeeping requirements; Interaction with enforcement actions



Title V Petitions & Petitions Process Rulemaking

- Title V Petitions continue to be a substantial work load

	<u>FY 2018</u>	<u>FY2019 (thru Aug)</u>
Petitions Received	11	9
Petitions Resolved	34	19

- Trends: Increased focus on wood pellet manufacturing

- **Title V Petitions Process Rulemaking**

- Proposed rule August 15, 2016 (81 FR 57822); Final expected Fall 2019
- Proposal included changes in 3 key areas: method of petition submittals, required content/format of petitions; administrative record requirements for states.



Title V Petitions – NSR Interface

- PacifiCorp Hunter Order (10/16/2017) – EPA will not look back at decisions made in NSR permitting process in the context of title V
 - Permitting agencies and EPA need not reevaluate- in the context of title V permitting, oversight, or petition responses- previously issued final preconstruction permits, especially those that have already been subject to public notice and comment and an opportunity for judicial review
 - Concerns with these final preconstruction permits should instead be handled under the authorities found in title I of the Act (e.g., enforcement actions under CAA § 113 or 167, state court appeals of preconstruction permits, or citizen enforcement actions under CAA § 304)
 - Where a final preconstruction permit has been issued, whether it is a major or minor NSR permit, the terms and conditions of that permit should be incorporated as "applicable requirements"
- Big River Steel Order (10/31/2017) – Applies same interpretation to fact set involving merged NSR/Title V program



Permitting Process Improvements

- Increased use of electronic systems
 - Central Data Exchange (CDX) for receipt of title V petitions
 - Electronic Permitting System (EPS)
 - Working with 35 state and local programs to develop system that will allow electronic submittal of state-issued NSR, title V, and other permits for EPA review
 - Also electronic processing of EPA-issued NSR and title V permits
 - Replacing and modernizing RACT/BACT/LAER Clearinghouse
- EPA Permit Oversight Policy & Framework
 - Goal is to develop a national approach to oversight of permits and permitting programs that is consistent and standardized
 - Would apply to the following EPA & state permit programs: NSR, Title V, NPDES, Underground Injection Control (UIC), and RCRA



Permitting References/Training

- E-Guidance Compendium
 - Enhancement to current NSR website
 - Organizing current guidance documents in NSR index by topic
- Training



Questions and Comments



NAAQS Implementation Milestones (August 2019)

Pollutant	Final NAAQS Signature	Nonattainment Designations Effective	Infrastructure SIP Due	Attainment Plans Due	Attainment Date
PM _{2.5} (2006)	Oct 2006	Dec 2009	Oct 2009	Dec 2014	Dec 2015 (Moderate) Dec 2019 (Serious)
Pb (2008)	Oct 2008	Dec 2010-2011	Oct 2011	June 2012-2013	Dec 2015-2019
PM _{2.5} (2012)	Dec 2012	Apr 2015	Dec 2015	Oct 2016 (Moderate)	Dec 2021 (Moderate) Dec 2025 (Serious)
NO ₂ (2010) (primary)	Jan 2010	Feb 2012	Jan 2013	N/A	N/A
SO ₂ (2010) (primary)	June 2010	Oct 2013, Sept 2016, Apr 2018 (early 2021)	June 2013	Apr 2015, Mar 2018, Oct 2019 (mid 2022)	Oct 2018, Sept 2021, Apr 2023 (early 2026)
Ozone (2008)	Mar 2008	July 2012	Mar 2011	July 2015-2016*	July 2021-2032
Ozone (2015)	Oct 2015	Aug 3, 2018 (Sep 24, 2018 for San Antonio, TX)	Oct 2018	Aug 2021-2022	Aug 2021-2038

* January 2017 for areas reclassified from Marginal to Moderate. August 2020 for areas reclassified from Moderate to Serious.

** for areas classified from Serious to Extreme



Working Paper
Clarification on Carbon Neutrality of Woody Biomass for Energy Production

Overview

Domestically sourced woody biomass can play a critical role in reducing the carbon intensity of the electricity sector. Sustainably sourced woody biomass is a renewable energy source that can provide baseload power to complement intermittent sources of electricity such as wind and solar. However, adoption of biomass-based energy in the U.S. has been slow due in part to a lack of clarity regarding the carbon benefits of electricity generated through the utilization of woody biomass.

EPA can unlock an important source of carbon neutral energy and encourage greater use of woody biomass for energy production in the United States by identifying those “managed forests” from which woody biomass sourced for energy production will be considered carbon neutral.

Encouraging Greater Adoption of Biomass for Energy Production

There is consensus of science and public policy – both domestically and internationally – that sustainably sourced woody biomass enables electric utilities to substantially reduce the lifetime greenhouse gas emissions of power generation.

- Congress has repeatedly instructed EPA, the Department of Energy, and the Department of Agriculture to establish policies that reflect that sustainably sourced biomass is a carbon-neutral renewable energy source.¹
- In April 2018, EPA issued a policy memorandum stating it will treat the combustion of woody biomass sourced from managed forests at stationary sources for energy production as carbon-neutral.²
- Today, the benefits of woody biomass are readily acknowledged by countries around the world, including the European community (which includes Belgium, Denmark, France, the Netherlands, Sweden, and the United Kingdom), Japan, South Korea, Turkey, parts of the United States, and the Caribbean. Additionally, international organizations like the International Renewable Energy Agency (IRENA) have demonstrated the key role that biomass can play in achieving carbon neutrality through reports such as IRENA’s 2050 roadmap.³

¹ Consolidated Appropriations Act, 2018 (H.R. 1625), signed March 23, 2018, [[HYPERLINK "https://www.congress.gov/115/bills/hr1625/BILLS-115hr1625enr.pdf"](https://www.congress.gov/115/bills/hr1625/BILLS-115hr1625enr.pdf)]

² EPA’s Treatment of Biogenic Carbon Dioxide (CO₂) Emissions from Stationary Sources that Use Forest Biomass for Energy Production, [[HYPERLINK "https://www.epa.gov/sites/production/files/2018-04/documents/biomass_policy_statement_2018_04_23.pdf"](https://www.epa.gov/sites/production/files/2018-04/documents/biomass_policy_statement_2018_04_23.pdf)]

³ International Renewable Energy Agency’s Global Energy Transformation: A Roadmap to 2050 (2019 Edition). In highlighting the critical role that biomass plays in the global energy transition, the report calls for the share of modern biomass electricity generation to increase from 5% to 16%, tripling bioenergy deployment, by 2050.

By developing a streamlined approach for identifying renewable and carbon-neutral woody biomass sourced from managed forests, EPA will be providing power producers with the certainty they need to determine the carbon benefits of biomass projects and assess the long-term fuel supply availability of their feedstock to support required investments.⁴

EPA clarification of this matter will serve to encourage the adoption of biomass energy domestically, and it will also provide the framework under which other countries source U.S.-produced biomass. The European Union, which has long recognized the carbon benefits of woody biomass, recently published its Renewable Energy Directive II (REDII), which treats biomass sourced from managed forests as carbon-neutral. On or before June 30, 2021, forests located in countries that are parties to the United Nations Framework Convention on Climate Change (UNFCCC) Paris Agreement and have emissions policies governing the Land Use, Land-Use Change, and Forestry (LULUCF) sector are deemed to be “managed.” However, forests from countries that are not parties to the Paris Agreement, such as the United States is considering, must demonstrate that “management systems are in place at the forest sourcing area level to ensure that carbon stocks and sinks levels in the forest are maintained, or strengthened, over the long term.”⁵ Power producers, environmental groups, and biomass suppliers are now seeking to develop standards and third-party certification processes to ensure that biomass from the United States can continue to be used to meet the EU’s climate goals. As this process continues, they will also look to EPA for guidance.

The Carbon-Neutrality of Woody Biomass Should be Based on the Carbon Stock of the Forest Landscape

In order to provide the clarity and certainty necessary to promote the appropriate use of biomass for electricity generation, EPA should develop the standards by which woody biomass can be certified as carbon-neutral. Third-party certification systems can measure and certify data for compliance purposes. Appropriate third-party certification organizations, such as the Sustainable Biomass Program (SBP), could be adapted and then utilized to verify the underlying carbon stock data to support this approach.

Consistent with the approach taken by international organizations, these standards should define a managed forest as one where levels of carbon stocks in forest landscapes are maintained, or strengthened, over time. This approach captures an important dynamic – that as harvests occur in one portion of the landscape, the other parts of the landscape are in various stages of replanting and regrowth. Additionally, this approach is supported by research that demonstrates that

⁴ As EPA recognized in its proposed rulemaking, *Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units*, some states and affected sources may be interested in using biomass to reduce the emission rate of affected sources and comply with state-determined performance standards. 83 Fed. Reg. 44,746, 44,765 (Aug. 31, 2018).

⁵ Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources, (pg. 51 – Art. 29, 7.b), [HYPERLINK "<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L2001&from=EN>"]

economic harvest of sustainably managed forests results in forest retention and growth that enhances the carbon stocks of forests.

The EPA program can be implemented by relying on empirical measurements of carbon stocks within a given landscape, which stocks are then monitored on a scheduled frequency for changes with appropriate baselines, tools and data.

- *Data Source for Forest Carbon Stock* –The USDA’s comprehensive Forest Inventory Analysis program, implemented by the U.S. Forest Service in partnership with states, is the appropriate and most robust dataset to measure carbon stocks and determine changes in stocks over a defined period of time and landscape. This program currently tracks and reports the national carbon stock of U.S. forest regions on a 5-year rolling basis with county-level detail. This approach was previously proposed by EPA.⁶
- *Geographic Area of Measurement* – The geographic area for measurement should be a contiguous regional landscape, *e.g.* the Southeast United States, not individual forest stands. A landscape-level accounting approach would comprehensively monitor the carbon stock of forests where sustainable biomass is sourced in accordance with how these forests are managed and would capture the broader trends in those forests. This regional approach is consistent with EPA’s 2011 proposed Accounting Framework for Biogenic CO₂ Emissions from Stationary Sources.⁷ There should be five geographic areas of measurement: the North Region, South Region, Intermountain Region, and the Pacific Coast/Northwest Region. The North Region should be comprised of the states of Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, West Virginia, and Wisconsin. The South Region should be comprised of the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Virginia. The Intermountain Region should be comprised of the states of Arizona, Colorado, Nevada, New Mexico, Utah and Wyoming. The Pacific Coast and Northwest Regions should be comprised of the states of California, Idaho, Montana, Oregon, and Washington.
- *Baseline and Frequency of Measurement* –The baseline should begin in the year in which EPA guidance is issued and be updated every 10 years. The measurement of forest carbon stocks should be updated every 5 years.
- *Period of Review and Remediation* – The program should include a clear process that would allow for a period of review and remediation in forest landscapes that may have an unexpected deterioration in carbon stocks. This is because there may be circumstances where a forest is subject to ecological forces that cause stocks to decline and where continued thinning and biomass energy utilization is determined to be a net benefit to its

⁶ [HYPERLINK "<https://archive.epa.gov/epa/sites/production/files/2016-08/documents/biogenic-co2-accounting-framework-report-sept-2011.pdf>"] (pg. 23)

⁷ [HYPERLINK "<https://archive.epa.gov/epa/sites/production/files/2016-08/documents/biogenic-co2-accounting-framework-report-sept-2011.pdf>"] (pg. 42)

regeneration. In other cases, there may be a reduction in carbon stocks due to other factors. The determination of likely causes and potential remedies should be part of any framework.

- *Exceptions* –Forest biomass sourced from mill product manufacturing residues, harvest residues; biowaste (including used wood products); or forest management activities that are conducted to increase yield or to maintain or enhance forest health should not be subject to the landscape-level carbon stock approach.

Message

From: megan.berge@bakerbotts.com [megan.berge@bakerbotts.com]
Sent: 4/29/2019 7:10:58 PM
To: Wood, Anna [Wood.Ann@epa.gov]
CC: Santiago, Juan [Santiago.Juan@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Jennifer.Golinsky@BakerBotts.com
Subject: RE: Invitation to Speak at Spring Class of 85 Meeting
Attachments: Anna Marie Wood PPT March 2019.pdf

Anna –

Thank you for the heads up, and the referral to Scott and Juan. Good luck with your new project.

Scot, Juan –

It is a pleasure to meet you. I am attaching the presentation I referenced in my email to Anna (below). We would love to have you participate in the meeting. Please let me know if you are comfortable and available to do so, or if you have any questions.

Thank you all very much for considering our request.

Megan

Megan Berge
Partner

Baker Botts L.L.P.
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1299 Pennsylvania Ave, NW
Washington, D.C. 20004



From: Wood, Anna <Wood.Ann@epa.gov>
Sent: Monday, April 29, 2019 2:59 PM
To: Berge, Megan <megan.berge@bakerbotts.com>
Cc: Santiago, Juan <Santiago.Juan@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>
Subject: Re: Invitation to Speak at Spring Class of 85 Meeting

[EXTERNAL EMAIL]

Hi Megan, my apologies for not responding sooner as I've been traveling quite a bit. I am adding Juan Santiago and Scott Mathias who may be able to assist with your request.

I am changing jobs on May 1 and will no longer be working in NSR related projects. Juan or Scott may be able to assist you. Again, sincere apologies for not responding sooner, Anna

Sent from my iPhone

On Apr 29, 2019, at 1:54 PM, "megan.berge@bakerbotts.com" <megan.berge@bakerbotts.com> wrote:

Good afternoon Anna,

I wanted to circle back with you regarding this request to see if you might be able to join us by phone. Please let us if you have any questions.

Best,
Megan

Megan Berge
Partner

Baker Botts L.L.P.
megan.berge@bakerbotts.com
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From: Berge, Megan
Sent: Friday, April 19, 2019 10:24 AM
To: Wood, Anna <Wood.Anna@epa.gov>
Subject: Invitation to Speak at Spring Class of 85 Meeting

Anna –

I hope you are well. I am circling back to invite you to speak at the May 9, 2019 meeting of the Class of '85 Regulatory Response Group in Washington, DC. On behalf of our group, we hope you will be able to join us to speak about EPA's NSR reform actions.

We hope you can join us to discuss the Phase 1 and Phase 2 "NSR improvement actions" that you presented at last month's AAPCA meeting. If your schedule permits, we would love to have you join us in-person in DC, or you can address our group via telephone if that is easier for you.

The Class of '85 meeting will be held on Thursday, May 9, at the Baker Botts offices (1299 Pennsylvania Ave, NW, which is just a few blocks from EPA HQ). We would be happy to have you join us for 45 to 60 minutes anytime between 12:00 and 4:00 PM.

Please let me know if you would like additional information about the Class of '85 or if you have questions regarding the May 9 meeting. We hope you can make it!

Thank you in advance for considering our invitation!

Megan

Megan Berge

Partner

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From: Wood, Anna <Wood.Ann@epa.gov>

Sent: Wednesday, April 25, 2018 6:26 PM

To: Berge, Megan <megan.berge@bakerbotts.com>

Subject: Re: Invitation to Speak at Spring Class of 85 Meeting

Hi Megan, thank you for the invitation. Unfortunately, I have an all day commitment on May 17 that I cannot reschedule. We have an outside consultant providing an all day training in that day for all OAQPS managers. Is there another date that might work?

Sent from my iPhone

On Apr 25, 2018, at 1:14 PM, "megan.berge@bakerbotts.com" <megan.berge@bakerbotts.com> wrote:

Anna Marie –

I am writing to invite you to speak at the May 17 meeting of the Class of '85 regulatory response group, which will be held at Baker Botts' offices in Washington, D.C. The Class of '85 is an ad-hoc coalition of approximately 28 electric generating companies that focuses on Clean Air Act developments.

While our meetings are informal and largely consist of updates from Baker Botts attorneys, we often host speakers from relevant agencies and NGO groups. For example, past speakers include Reid Harvey, Joe Goffman, and Peter Tsirigotis. We believe our members would have great interest in hearing your remarks related to recent updates on the NSR permitting program and associated agency policies.

We appreciate your consideration of our invitation and would be happy to discuss the meeting with you, or answer any questions that you may have.

Thank you for considering our invitation.

Megan

Megan Berge

Partner

Baker Botts L.L.P.

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<image007.png>

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NAAQS and Other Implementation Updates

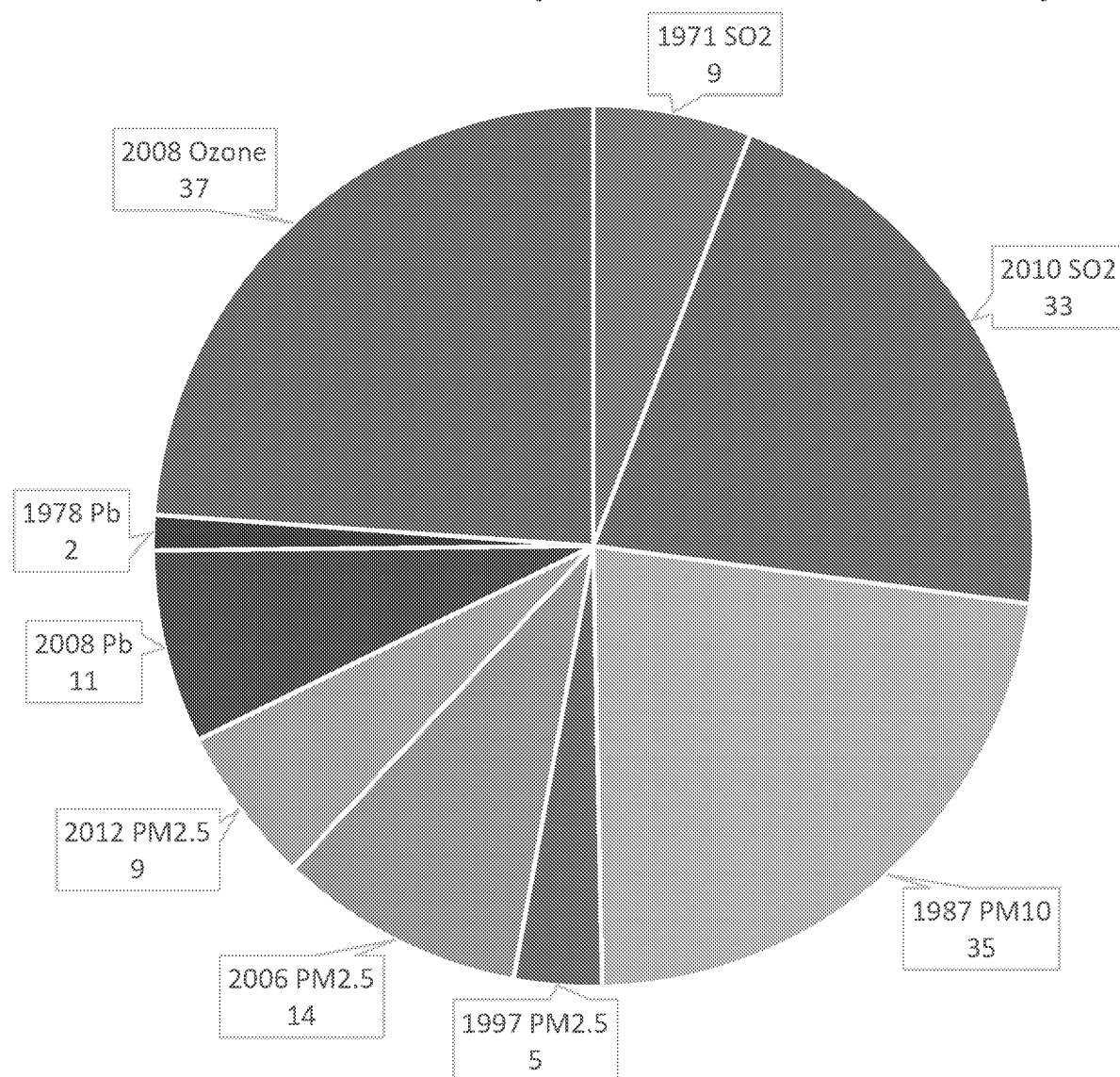
ANNA MARIE WOOD
DIRECTOR, AIR QUALITY POLICY DIVISION
OFFICE OF AIR QUALITY PLANNING AND STANDARDS
AAPCA SPRING BUSINESS MEETING
MARCH 2019

OVERVIEW

- EPA's Clean Air Priority Goal: Reduce Number of Nonattainment Areas
- NAAQS Implementation Updates
 - Ozone
 - Sulfur Dioxide (SO₂)
 - Fine Particulate Matter (PM_{2.5})
- Transport
- Exceptional Events
- Startup, Shutdown, and Malfunction (SSM) Policy
- NSR and Title V Permitting Updates
- SIP Processing Improvements and SPeCS



Nonattainment Areas for Non-revoked NAAQS as of October 1, 2017 (status as of March 2019)



EPA Priority Goal: Reduce Number of Nonattainment Areas

- Work with states to prioritize redesignation submissions.
- Ensure states have necessary rules, guidance, and tools.
- Improve the efficiency and effectiveness of the SIP/TIP process, including EPA's review process, to maximize timely processing of requested SIP/TIP actions.
- Take federal oversight actions, where necessary.

To approve state's requests to redesignate nonattainment areas depends on states meeting the minimum Clean Air Act requirements, which include:

- A demonstration that the area has air quality that is attaining the NAAQS;
- Establishing that pollution reductions are due to implementing permanent and enforceable measures;
- A 10-year maintenance plan that includes contingency measures to be triggered in the event of a re-violation of the NAAQS; and,
- Satisfying any other applicable and outstanding attainment planning and emissions control requirements.

NAAQS Reviews: Status Update

(March 2019)

	Ozone	Lead	Primary NO ₂	Primary SO ₂	Secondary (Ecological) NO ₂ , SO ₂ , PM ¹	PM ²	CO
Last Review Completed (final rule signed)	Oct. 2015	Sept 2016	April 2018	Feb 2019	Mar 2012	Dec 2012	Aug 2011
Recent or Upcoming Major Milestone(s)	<u>Summer 2019</u> Draft ISA ³ <u>Early 2020</u> Proposal <u>Late 2020</u> Final	TBD ⁴	TBD ⁴	TBD ⁴	<u>Timing depends on PM/O3 schedules</u> Final ISA; draft REA/PA ³	<u>March 28, 2019</u> CASAC teleconference on draft ISA ³ <u>Early 2020</u> Proposal <u>Late 2020</u> Final	TBD ⁴

Additional information regarding current and previous NAAQS reviews is available at: <http://www.epa.gov/ttn/naaqs/>

¹ Combined secondary (ecological effects only) review of NO₂, SO₂, and PM

² Combined primary and secondary (non-ecological effects) review of PM

³ IRP – Integrated Review Plan; ISA – Integrated Science Assessment; REA – Risk and Exposure Assessment; PA – Policy Assessment

⁴ TBD = To be determined



2008 Ozone NAAQS Implementation: Determinations of Attainment/Attainment Date Extensions/Reclassifications for Moderate Areas

- Attainment date for Moderate areas: July 20, 2018
- Statutory deadline for issuing final determinations: January 20, 2019
- NPRM published November 14, 2018
 - EPA proposed determinations of attainment/failure to attain (and reclassification to Serious), and 1-year attainment date extensions based on 2015-17 DV for 11 areas
 - Proposal also included due dates for attainment plans and RACT implementation
- Final notice anticipated in late spring 2019



2008 Ozone NAAQS Implementation: Post-South Coast II Decision

South Coast Air Quality Management District v. EPA (2018)

- South Coast AQMD and env. petitioners (Sierra Club *et al.*) challenged various elements of the 2008 Ozone NAAQS SIP Requirements Rule (SRR), including elements related to revoking the 1997 NAAQS (effective April 6, 2015), and the associated anti-backsliding requirements
 - The D.C Circuit decision (February 16, 2018) upheld about half of the challenged elements and vacated several flexibilities in the SRR
 - As a result of decision- 1997 ozone NAAQS nonattainment and maintenance areas that are attainment for the 2008 NAAQS are again subject to non-transportation conformity control measures as anti-backsliding requirements



2008 Ozone NAAQS Implementation: Post-South Coast II Decision

- On November 21, 2018, EPA posted a **Resource Document for 1997 Ozone NAAQS Areas: Supporting Information for States Developing Maintenance Plans**
- This resource document and technical information may assist states in developing initial or second maintenance plans for certain 1997 ozone NAAQS areas.
- For more info, please contact Regional Office staff or visit
 - <https://www.epa.gov/ground-level-ozone-pollution/1997-ozone-national-ambient-air-quality-standards-naaqs-nonattainment>



2015 Ozone NAAQS Update

- 2015 Ozone NAAQS signed 10/1/15 (80 FR 65292; 10/26/15)
 - Several environmental and health organizations, industry groups, and some states filed petitions for judicial review (Murray Energy v. EPA, No. 15-1385, and consolidated cases)
 - The D.C. Circuit heard oral argument in those challenges on December 18, 2018
 - No opinion issued yet
- 2015 Ozone NAAQS SIP Requirements Rule (83 FR 62998; 12/6/18)
 - On February 4, 2019, Downwinders at Risk, Sierra Club, and National Parks Conservation Association filed a petition for review of the final 2015 ozone NAAQS SIP Requirements Rule in the D.C. Circuit
 - On March 11, 2019, the petitioners' filed their statement of issues related to:
 - NNSR interprecursor trading
 - RFP requirements
 - Milestone compliance demonstrations
 - Alternative baseline year
 - Early implemented contingency measures



2015 Ozone NAAQS: Infrastructure SIPs

- Infrastructure SIPs due October 1, 2018 for the 2015 ozone NAAQS
 - Submittals received
 - EPA may become subject to a mandatory duty suit to issue findings of failure to submit overdue infrastructure SIPs
- **Guidance on Infrastructure State Implementation Plans (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2) issued September 13, 2013**
 - [https://www3.epa.gov/airquality/urbanair/sipstatus/docs/Guidance on Infrastructure SIP Elements Multipollutant FINAL Sept 2013.pdf](https://www3.epa.gov/airquality/urbanair/sipstatus/docs/Guidance%20on%20Infrastructure%20SIP%20Elements%20Multipollutant%20FINAL%20Sept%202013.pdf)



2015 Ozone NAAQS: Quick Start Guide

- On February 26, 2019, EPA posted the **Quick Start Guide** at: <https://www.epa.gov/air-quality-implementation-plans/guidance-streamlining-sip-process>
- Document brings together EPA and state air agency work to “lean” SIP development and processing with requirements associated with attainment planning for 2015 ozone NAAQS nonattainment areas and OTR states
- Checklists lay out a sample timeline of key milestones intended to help EPA, state and local air agencies collaborate early and throughout the SIP development process for the 2015 8-hour ozone standard
- “Early engagement” is a critical component to supporting air agencies in the development of approvable SIPs and EPA in taking timely action on SIPs



Progress on Ozone NAAQS Attainment (as of March 2019)

	1997 NAAQS (2004 Designations)	2008 NAAQS (2012 Designations)	2015 NAAQS (2018 Designations)
Initial Nonattainment Areas	115	46	52
Areas Redesignated to Attainment	80 (prior to revocation)	9	0
Current Nonattainment Areas	35**	37	52
Clean Data Determinations	26	17*	0

*Includes 15 Marginal area determinations of attainment by the attainment date and 2 Moderate area clean data determinations.

**Obligation to reclassify may be affected by South Coast II decision.



2010 SO₂ NAAQS Implementation: Nonattainment Area Overview

Designation Round	Number of Original Nonattainment Areas	Designations Effective Date	Attainment Plan Due Date	Attainment Date
1	29	October 4, 2013	April 4, 2015	October 4, 2018
2	4	September 12, 2016	March 12, 2018	September 12, 2021
2	3	December 13, 2016	July 12, 2018	January 12, 2022
3	6	April 9, 2018	October 9, 2019	April 9, 2023
4*	TBD	TBD	TBD	TBD

*Designations must be completed by December 30, 2020



2010 SO₂ NAAQS: Implementation and Litigation

- On June 14, 2018, the Center for Biological Diversity (CBD), the Center for Environmental Health, and the Sierra Club, filed a lawsuit in the US District Court (Northern District of California) citing:
 - EPA's alleged failure to take action (FFA) on several pending 2010 SO₂ attainment plans for "Round 1" nonattainment areas; and
 - EPA's alleged failure to issue findings of failure to submit (FFS) for overdue plans for nonattainment areas for the 1971 SO₂ NAAQS.
- On December 17, 2018, the petitioners amended the June complaint, which now cites:
 - EPA's alleged failure to act on 18 pending attainment plans for "Round 1" areas in 11 states;
 - EPA's alleged failure to issue FFS for four "Round 2" areas in 3 states; and,
 - EPA's alleged failure to issue an FFS for one nonattainment area for the 1971 SO₂ NAAQS.



Progress on 2010 SO₂ NAAQS Attainment (as of March 2019)

	Round 1	Round 2	Round 3
Initial Nonattainment Areas	29	7	6
Areas Redesignated to Attainment	2	0	0
Current Nonattainment Areas	27	7	6
Clean Data Determinations	1	0	0



PM_{2.5} NAAQS Implementation

- EPA focusing efforts on supporting states with 2006 PM_{2.5} NAAQS Serious areas and 2012 PM_{2.5} NAAQS Moderate areas
 - 2006 NAAQS Serious area attainment date: December 31, 2019
 - 2012 NAAQS Moderate area attainment date: December 31, 2021
- EPA is targeting spring 2019 for releasing the **revised Draft PM_{2.5} Precursor Demonstration Guidance**
 - EPA is considering comments on November 2016 version of draft guidance that recommended technical approaches for precursor demonstrations to assess whether a particular precursor contributes significantly to exceedances of the NAAQS in a given area
 - States have been submitting and EPA has taken or is considering action on precursor demonstrations that states have developed using the draft guidance



Progress on PM_{2.5} NAAQS Attainment

(as of March 2019)

	1997 PM _{2.5} (2005 Designations)	2006 PM _{2.5} (2009 Designations)	2012 PM _{2.5} (2015 Designations)
Initial Nonattainment Areas	39	32	9
Areas Redesignated to Attainment	34	18	0
Current Nonattainment Areas	5 *	14	9
Clean Data Determinations	4	9	3

*Includes St. Louis, MO-IL area. Missouri portion of area redesignated on 10/2/2018. Waiting for 3 years of monitoring data from Illinois side of nonattainment area.



Interstate Transport: 2008 Ozone NAAQS

- On December 6, 2018, EPA finalized a determination that the 2016 Cross State Air Pollution Rule Update (CSAPR Update) fully addresses interstate ozone transport obligations for 20 states in the eastern US with respect to the 2008 ozone NAAQS (83 FR 65878, 12/21/18)
 - The final rule determines that 2023 is an appropriate future analytic year to evaluate further good neighbor requirements
 - The rule uses the latest data and modeling to assess air quality for 2023 and finds that there will be no remaining nonattainment or maintenance areas for the 2008 ozone NAAQS in the eastern US
 - With this determination, EPA has no obligation to establish additional requirements for sources in the 20 covered states to further reduce transported ozone pollution under the 2008 ozone NAAQS
 - The covered states do not need to submit state implementation plans (SIPs) that would establish additional requirements beyond the existing CSAPR Update with regard to the 2008 ozone NAAQS



Interstate Transport: 2015 Ozone NAAQS

- Good Neighbor SIPs for the 2015 ozone NAAQS were due October 1, 2018
- To date, EPA has released three memoranda intended to assist states in developing and submitting, and to assist EPA in its review of, interstate transport SIPs that address the good neighbor requirements with respect to the 2015 ozone NAAQS.
 - **March 2018 Memo: Information on the Interstate Transport SIP Submissions**
 - **August 2018 Memo: Analysis of Contribution Thresholds (Step 2)**
 - **October 2018 Memo: Considerations for Identifying Maintenance Receptors (Step 1)**
- These memoranda are available on EPA's website at <https://www.epa.gov/airmarkets/memo-and-supplemental-information-regarding-interstate-transport-sips-2015-ozone-naaqs>
- EPA encourages consistency and collaboration among states linked to a common receptor and among upwind and downwind states in developing and applying a regionally consistent analytic approach



Interstate Transport: 2015 Ozone NAAQS

- EPA is committed to a “**SIP First**” Approach for 2015 Ozone NAAQS
 - States are developing and submitting good neighbor SIPs ahead of pace for previous NAAQS.
 - EPA has engaged on more than two dozen SIPs (or Draft SIPs)
 - Many SIPs are employing concepts discussed in EPA’s transport memoranda
 - Example concepts: use of 1 ppb vs 1% threshold, use of non-EPA modeling, reliance on different base year (with consideration of meteorological conduciveness), conclusions that emissions trends will continue to decrease, consideration of potential/expected additional cost-effective NOx emissions reductions, consideration of international emissions
- EPA intends to further engage with states regarding the submission of approvable SIPs



NOx SIP Call Update

- On February 26, 2019, EPA finalized the regulatory action, **Emissions Monitoring Provisions in State Implementation Plans Required Under the NOx SIP Call** (84 FR 8422, 3/8/19)
 - The final rule amends the NOx SIP Call regulations to allow states to establish alternative, potentially lower-cost monitoring and reporting requirements for certain sources
 - The amendments also remove obsolete regulatory provisions and clarify the remaining regulations



NOx SIP Call Update

- All changes to source requirements will come through state rule amendments and SIP revisions and are optional for states
 - Transition from Part 75 monitoring to alternative monitoring will need to be addressed (potential for partial years of data from some sources, need to track who is using alternatives and who remains under Part 75, etc.)
 - State reporting under 40 CFR 51.122 could change. (Requirements would not change, but state actions could.) States do not have to report emissions from sources that use Part 75
- Mostly non-EGUs, but some non-Acid Rain Program EGUs in non-CSAPR states
- We expect some states to act quickly to provide alternative monitoring
- We encourage states to work with Regions and Headquarters on drafts to ensure a smooth, approvable transition



Exceptional Events Update

- We have concurred on 25 demonstrations that were submitted after revising the Exceptional Events Rule in September 2016
- We continue developing new guidance documents to help right-size demonstrations and facilitate the exceptional events process – Thank you for feedback on drafts!
 - **Stratospheric Ozone Intrusion Guidance – Released November 2018**
 - **Updated High Wind Dust Event Guidance – soon to be released**
 - **Clarification Memo on Data Modification – soon to be released**
 - **Prescribed Fire Guidance – Ready to begin OMB interagency review process**
- EPA's exceptional events webpage provides key resources, including example demonstrations, and will continue to be updated as new materials become available
 - <https://www.epa.gov/air-quality-analysis/treatment-air-quality-data-influenced-exceptional-events>



SSM SIP Call Under Policy Review

- Final SSM SIP Action of 2015 concerned SIP provisions for treatment of excess emissions occurring during periods of startup, shutdown and malfunction (SSM)
 - Included SSM SIP Call that applied to 36 states (45 jurisdictions)
- Judicial review of the SSM Action is pending before the D.C. Circuit, but case is currently being held in abeyance to allow for review within EPA
- On October 16, 2018, EPA granted TCEQ's petition for reconsideration with respect to the Texas SIP call for certain affirmative defense provisions in Texas' SIP



NSR Improvement Phase 1 Actions

Phase 1

Phase 2

- Actual-to-Projected-Actual Applicability Test Guidance Memorandum
- Project Emissions Accounting Memo
- Once-In-Always-In Policy Change
- Source Aggregation
 - Common Control Guidance, Meadowbrook Letter
 - Draft Guidance on Interpreting Adjacency
- PM_{2.5} and Ozone SILs Guidance
- Project Aggregation Reconsideration Final Action
- Draft Ambient Air Policy



Ongoing Phase 1 Actions

Phase 1

Phase 2

Action	Status	Target Date
Final Adjacency Guidance	Reviewing Comments	Late Spring 2019
Final Ambient Air Guidance	Reviewing Comments	Late Spring 2019
NPRM Project Emissions Accounting		Summer 2019
NPRM Treatment of Biomass for Permitting		TBD



Upcoming Phase 2 Improvement Actions

Phase 1

Phase 2

Action	Target Date
NPRM NSR Error Corrections Rule	Late Spring 2019
NPRM Oil and Gas FIP Part I Registration Form Amendment	Late Spring 2019
Begin Actual Construction Guidance (Draft)	Summer 2019
Routine Maintenance Repair and Replacement (RMRR) Guidance (Draft)	Summer 2019



Upcoming Phase 2 Improvement Actions (con't)

Phase 1

Phase 2

Action	Target Date
Plantwide Applicability Limit (PAL) Guidance (Draft)	Fall 2019
NSR Actual to Projected Actual Applicability Test (ATPA) Guidance (Draft)	Fall 2019
2010 NSR Reconsiderations (Reasonable Possibility, Fugitive Emissions and Ethanol)	TBD
NSR E-Guidance Compendium and Training	December 2019



Title V Permitting

- Rulemakings in Progress
 - Finalize Title V Petitions Process Rulemaking – Summer 2019
- Process Improvements
 - Increased use of electronic systems
 - Testing electronic permit submission system with permitting authorities in several regions
 - Hoping to expand testing to more permitting authorities through ECOS
 - Petition Resolution
 - Resolving more petitions (see Appendix)
 - Addressing petitions more quickly
- Lean Kaizen Event held last year
 - Goal for Agency-issued permits is 6 months from receipt



EPA's Electronic Permitting System (EPS) for State-Issued Permits

- The EPS is based in the EPA's Central Data Exchange (CDX) and utilizes the same platform as State Planning Electronic Collaboration System (SPECS) for SIPs
- Our goal is to provide a consistent means for transmitting permits to the EPA for review and to provide information on the status and official communications back to the permitting authority
- We are looking for states that want to volunteer to begin using the system in order to provide feedback and suggestions for enhancements



EPA's Electronic Permitting System (EPS) for State-Issued Permits

- Features of EPS:
 - Receive draft, proposed, and final title V permits and draft and final NSR permits
 - Includes a form where states can provide general information on the facility (which is pulled using the EPA's Facility Registry Service), the type of permit, whether there were public comments, an attachment field for the permit record, etc.
 - Includes a permit collection interface page for each permitting authorities that provides states the ability to submit new permits, update previously submitted permits, and view all pending and final submissions to the EPA



SIP Process Improvements

- Focus on reducing the SIP backlog and improving SIP processing times
- Trends in SIP processing
- SIP Process Improvement Activities
 - Promoting early engagement between EPA and air agencies during SIP development
 - Ongoing communication to ensure EPA takes action on the SIP submittals that matter most for air quality – using management plans and SIP planning conversations
 - Continued investment in the State Plan Electronic Collaboration System (SPeCS) for use of draft and final submittals
 - Continued commitment to providing timely guidance on SIP development issues



SIP Process Improvements – Early Engagement

- Ozone Quick Start Guide
- Early engagement during SIP development
- Upcoming activities:
 - Review and updating of SIP Toolkit SharePoint site
 - Review and updating of external-facing “SIP streamlining” website
 - Development of New Process Standard Operating Procedure
 - Consideration of key backlog reduction techniques for the most difficult SIPs including withdrawal and disapproval



SIP Processing Improvements: State Plan Electronic Collaboration System (SPeCS) for SIPs

- EPA has worked extensively with state air agency representatives, and partnered with E-Enterprise for the Environment and ECOS on this project over the past 2 years
 - The E-Enterprise SPeCS Integrated Project Team (IPT), with 12-15 air agency representatives, provided input and feedback on the Plan Collection Interface (PCI) module before it was launched in January 2018
 - IPT is now focusing on Public Dashboard and soon after the Exceptional Events modules
- Since January 2018, EPA have been focusing efforts on developing the internal Clearinghouse
 - The Clearinghouse is the EPA-facing portion of the system that manages and tracks submissions
 - The Clearinghouse will replace existing EPA IT systems and databases, which contain decades' worth of SIP information
- To date, states have submitted a total of **374 submissions** (319 official submissions and 55 draft submissions) SIP revisions via SPeCS since January of 2018

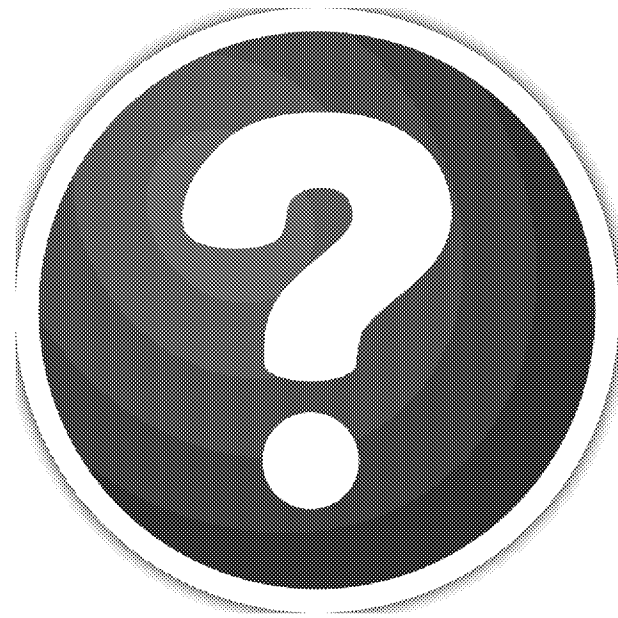


SIP Processing Improvements: State Plan Electronic Collaboration System (SPeCS) for SIPs

- Plans for 2019 and beyond include:
 - Complete Public Dashboard
 - Develop an Exceptional Events Demonstration Module
 - Develop the Regional Haze Module
 - Coordinate SPeCS with SIP Lean Efforts
 - Continuously improve the State Plan Collection Interface and EPA Clearinghouse based on on-going user feedback



Questions and Comments



APPENDIX

NAAQS Implementation Milestones

(March 2019)

Pollutant	Final NAAQS Date	Nonattainment Designations Effective	Infrastructure SIP Due	Attainment Plans Due	Attainment Date
PM _{2.5} (2006)	Oct 2006	Dec 2009	Oct 2009	Dec 2014	Dec 2015 (Mod) Dec 2019 (Ser)
Pb (2008)	Oct 2008	Dec 2010-2011	Oct 2011	June 2012-2013	Dec 2015-2019
PM _{2.5} (2012)	Dec 2012	Apr 2015	Dec 2015	Oct 2016 (Mod)	Dec 2021 (Mod) Dec 2025 (Ser)
NO ₂ (2010) (primary)	Jan 2010	Feb 2012	Jan 2013	N/A	N/A
SO ₂ (2010) (primary)	June 2010	Oct 2013, Sept 2016, Dec 2017 (+1 round)	June 2013	Apr 2015, Mar 2018, Oct 2019 (+2022)	Oct 2018, Sept 2021, Apr 2023 (+2026)
Ozone (2008)	Mar 2008	July 2012	Mar 2011	Mid 2015-2016	Mid 2015-2032
Ozone (2015)	Oct 2015	Aug 3, 2018 (all but San Antonio, TX) Sep 24, 2018 (San Antonio, TX)	Oct 2018	Aug 2021-2022	Aug 2021-2038

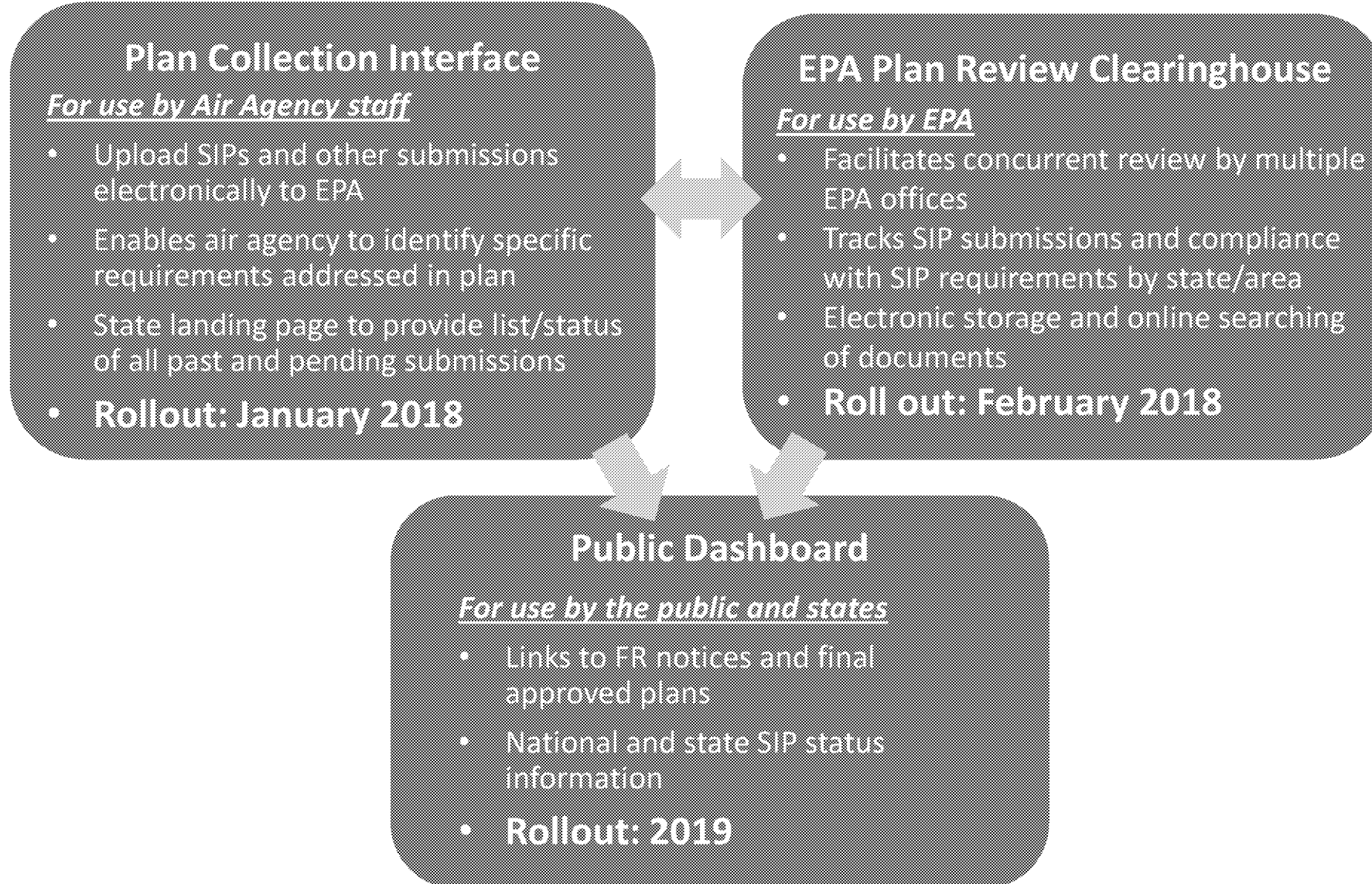


Title V Petitions

- Title V Petitions continue to be a substantial work load
- Petitions Received FY2018 – 9
- Petitions Resolved FY2018 – 36
 - 20 Orders
 - 16 Resolved by other means (petitioners agreed to withdraw, previous responses identified)
- Petitions Received so far FY2019 – 3
- Petitions Resolved so far FY2019 – 3



State Plan Electronic Collaboration System (SPeCS) for SIPs



Message

From: Mathias, Scott [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4BE52CDCCCA348EEB5CD1EFEBE6CAF24-SMATHIAS]
Sent: 9/30/2019 9:54:25 PM
To: Michael Vince [mvince@censara.org]
CC: Johnson, Yvonne W [Johnson.Yvonnew@epa.gov]; Bhesania, Amy [Bhesania.Amy@epa.gov]; Guy Donaldson [Donaldson.Guy@epa.gov]
Subject: Updated PPT for Presenting at CenSARA Fall Meeting
Attachments: SMathias_NAAQS Implem_CenSARAFnl_9-30-19.pptx

Hi Michael,

Per my prior email, here's the revised PowerPoint version to use as a slide show.

Scott Mathias | Acting Director, Air Quality Policy Division | U.S. EPA, RTP, NC 27711 | 919.541.5310

CONFIDENTIALITY. This email and any attachments are confidential, except where the email states it can be disclosed; it may also be covered by deliberative privilege. If received in error, please do not disclose the contents to anyone, but notify the sender by return email and delete this email and any attachments from your system.

From: Mathias, Scott
Sent: Monday, September 30, 2019 5:52 PM
To: Michael Vince <mvince@censara.org>
Cc: Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>
Subject: Updated Posting Presentation for CenSARA Fall Meeting

Hi Michael,

As a result of my review this past weekend I made a few small tweaks to the slides. Here's the updated PDF for posting. I'll send the electronic PPT in a separate email.

Scott Mathias | Acting Director, Air Quality Policy Division | U.S. EPA, RTP, NC 27711 | 919.541.5310

CONFIDENTIALITY. This email and any attachments are confidential, except where the email states it can be disclosed; it may also be covered by deliberative privilege. If received in error, please do not disclose the contents to anyone, but notify the sender by return email and delete this email and any attachments from your system.

From: Mathias, Scott
Sent: Thursday, September 26, 2019 5:56 PM
To: Michael Vince <mvince@censara.org>
Cc: Johnson, Yvonne W <Johnson.Yvonnew@epa.gov>; Bhesania, Amy <Bhesania.Amy@epa.gov>; Wood, Anna <Wood.Anna@epa.gov>; Wayland, Richard <Wayland.Richard@epa.gov>; Guy Donaldson <Donaldson.Guy@epa.gov>
Subject: RE: CenSARA Fall Meeting

Hi Michael,

Here is my "full deck" set. One native PowerPoint and one PDF.

Scott Mathias | Acting Director, Air Quality Policy Division | U.S. EPA, RTP, NC 27711 | 919.541.5310

CONFIDENTIALITY. This email and any attachments are confidential, except where the email states it can be disclosed; it may also be covered by deliberative privilege. If received in error, please do not disclose the contents to anyone, but notify the sender by return email and delete this email and any attachments from your system.

From: Michael Vince <mvince@censara.org>

Sent: Monday, September 23, 2019 10:09 PM

To: Bhesania, Amy <Bhesania.Amy@epa.gov>; Wood, Anna <Wood.Anna@epa.gov>; michael.abraczinskas@ncdenr.gov;
Mathias, Scott <Mathias.Scott@epa.gov>; Wayland, Richard <Wayland.Richard@epa.gov>; Hawkins, Andy
<hawkins.andy@epa.gov>

Subject: CenSARA Fall Meeting

We are just one week away from our Fall Meeting and I am looking forward to seeing everyone in Des Moines.

I am trying to load up all the presentations in advance. While I will post pdf versions of files for the attendees if you would like that, I would appreciate PowerPoint versions for you to use to present from.

If you can share those documents with me by Thursday of this week, I would really appreciate it!

Also, feel free to send me a short bio too!

Michael Vince, Executive Director
Central States Air Resource Agencies Association (CenSARA)
P.O.Box 617, 707 N. Robinson Ave.
Oklahoma City, OK 73101
405-813-4301 (office)
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NAAQS Implementation and Other Updates

Fall Air Directors' Meeting
CenSARA/Region 6/Region 7
October 2019

Scott Mathias, Acting Director, Air Quality Policy Division
Office of Air Quality Planning and Standards

CENSARA Updated 9/26

Overview

- NAAQS Review Update
- EPA Strategic Plan Priority Goals
 - Nonattainment Areas
 - SIP Process Improvements
- NAAQS Implementation Updates
 - Ozone
 - Sulfur Dioxide (SO₂)
 - Fine Particulate Matter (PM_{2.5})
 - Lead (Pb)
- Exceptional Events
- Regional Haze
- Permitting



EPA Strategic Plan Foundation

3



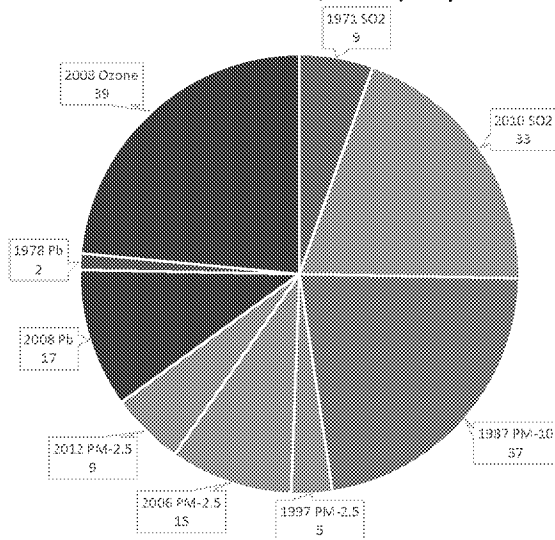
Goal 1: A Cleaner, Healthier Environment. Deliver a cleaner, safer and healthier environment for all Americans and future generations by carrying out the agency's core mission.

Goal 2: Provide certainty to states, localities, tribal nations and the regulated community in carrying out shared responsibilities and communicating results to all Americans.

Goal 3: Increase certainty, compliance and effectiveness by applying the rule of law to achieve more efficient and effective agency operations, service delivery and regulatory relief.



Nonattainment Areas for Non-revoked NAAQS as of October 1, 2017 (166)



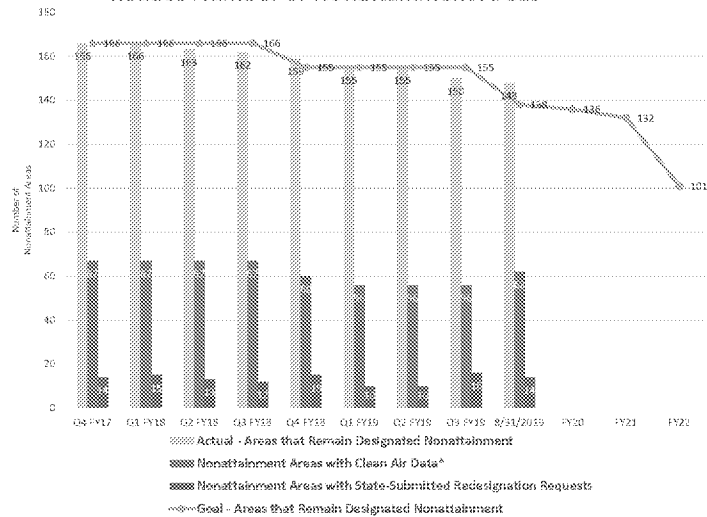
EPA Priority Goal: Reduce Number of Nonattainment Areas

- Work with states to prioritize redesignation request submissions.
- Ensure states have necessary rules, guidance, and tools.
- Improve the efficiency and effectiveness of the SIP/TIP process, including EPA's review process, to maximize timely processing of requested SIP/TIP actions.
- Take federal oversight actions, where necessary.
- For EPA to approve a state's requests to redesignate a nonattainment area, the request must meet the minimum Clean Air Act requirements, which include:
 - A demonstration that the area has air quality that is attaining the NAAQS;
 - Establishing that pollution reductions are due to implementing permanent and enforceable measures;
 - A 10-year maintenance plan that includes contingency measures to be triggered in the event of a re-violation of the NAAQS; and,
 - Satisfying any other applicable and outstanding attainment planning and emissions control requirements.

Agency Priority Goal: By September 30, 2022, EPA, in close collaboration with states, will reduce the number of nonattainment areas to 101 from a baseline of 166.

3

Reduce Number of Nonattainment Areas



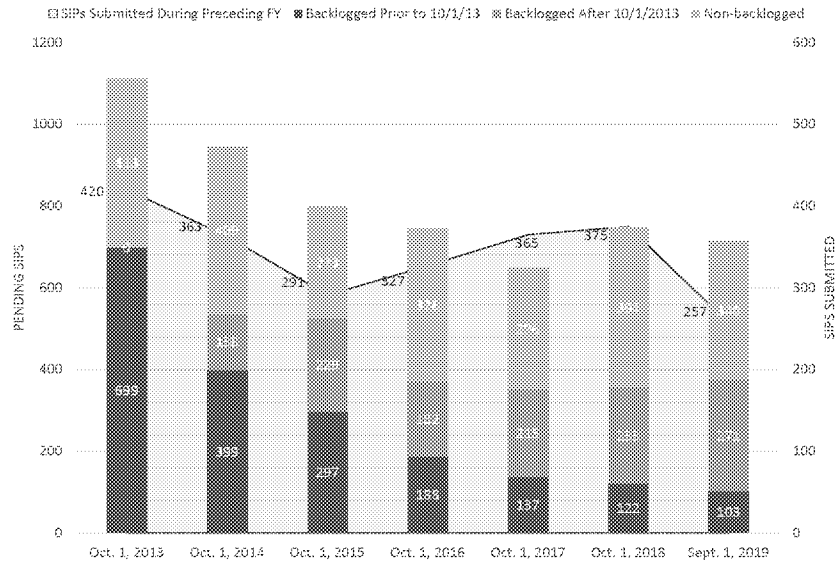
*Clean air data is a key step to redesignation to attainment, which can occur once an area's air quality attains the federal standard.



Improving State Implementation Plan Reviews

SIPs Pending EPA Review – 2013 to July 1, 2019

7



CenSARA State SIP Backlog Report

(as of 9/24/2019)

Region 6		Region 7	
<u>State</u>	<u>Backlogged SIPs</u>	<u>State</u>	<u>Backlogged SIPs</u>
Arkansas	6	Iowa	10
Louisiana	2	Kansas	2
New Mexico	3	Missouri	4
Oklahoma	8	Nebraska	6
Texas	4		
<i>Total</i>	<i>23</i>	<i>Total</i>	<i>13</i>

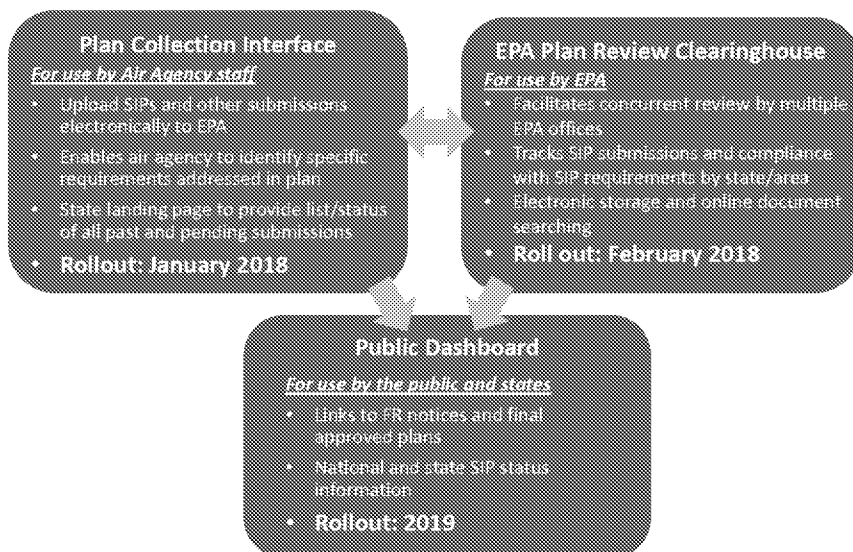


SIP Process Improvements

- Early engagement during SIP development
- Ozone Quick Start Guide
- Upcoming activities:
 - Consider key backlog reduction techniques for the most difficult SIPs including withdrawal and disapproval
 - SIP Lean Guide
 - Update external-facing “SIP streamlining” website
 - Develop internal New Process Standard Operating Procedure
 - Further develop State Plan Electronic Collaboration System (SPeCS)



State Plan Electronic Collaboration System (SPeCS) for SIPs



SPeCS for SIPs (cont.)

- Since January 2018, states have submitted more than 500 submissions
 - >430 official submissions and >70 draft submissions
- Plans for 2019 and Beyond
 - Complete Public Dashboard
 - Develop the Administrator Module
 - Develop the Regional Haze Module
 - Develop an Exceptional Events Demonstration Module
 - Integrate SIP Lean Efforts into SPeCS
 - Continuously improve the State Plan Collection Interface and EPA Clearinghouse based on on-going user feedback



Pollutant-Specific Implementation Updates

Ozone, SO₂, PM_{2.5}, Pb

2015 Ozone NAAQS Implementation Update

13

- ♦ 52 areas initially designated nonattainment:
 - ♦ 51 areas (excluding San Antonio) effective August 3, 2018 (83 FR 25776; 6/04/18)
 - ♦ San Antonio, Texas area effective September 24, 2018 (83 FR 35136; 7/25/18)

Classification	Number of Areas	Attainment Deadline (years)	Attainment Date
Marginal	39	3	August 3, 2021* (2018-2020 DV)
Moderate	5	6	August 3, 2024
Serious	2	9	August 3, 2027
Severe-15	2	15	August 3, 2033
Extreme	2	20	August 3, 2038
Rural Transport (Marginal)	2	N/A	---
TOTAL	52		

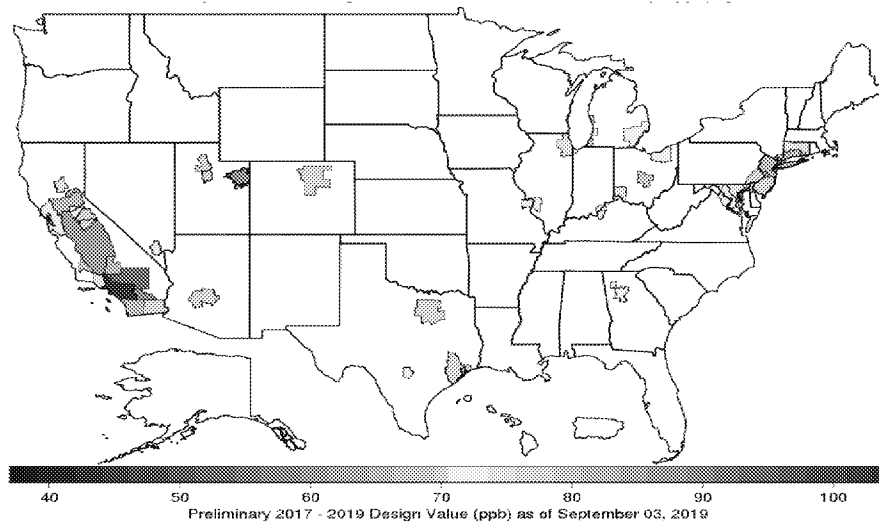
* Sep 24, 2021 for San Antonio, TX area

- ♦ Columbus, OH area redesignated to attainment (84 FR 43508; 8/21/19)
- ♦ Initial SIP submittals (emissions inv./statements) due August 3, 2020



**Preliminary 2017-2019 Design Values for
2015 Ozone Nonattainment Areas**
(70 ppb NAAQS)

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2015 Ozone NAAQS Implementation Update (cont.)

- Infrastructure SIP update
 - SIPs were due October 1, 2018
 - EPA has received 34 full submittals and 9 partial submittals
- Litigation on 2015 Ozone NAAQS SIP Requirements Rule
 - Final rule published December 6, 2018 (83 FR 62998)
 - Petitioners' brief filed July 22, 2019:
 - NNSR interprecursor trading
 - RFP requirements: milestone compliance demonstrations
 - RFP requirements: alternative baseline year
 - Early implemented contingency measures
 - EPA's reply brief due November 1, 2019; oral arguments timing TBD



2015 Ozone NAAQS Interstate Transport

- * EPA is actively reviewing submitted 2015 ozone NAAQS transport SIPs
 - * Received 40 of 56 states/jurisdictions
 - * Finalized approval action on 2 state SIPs
 - * Proposed approval on an additional 4 SIPs
- * Notice of Intent (NOI) to file mandatory duty deadline suit to make Findings of Failure to Submit (FFS) outstanding interstate transport SIPs that were due October 1, 2018
 - * On September 5, 2019, EPA announced its intent to make findings that certain states have failed to submit interstate transport SIPs for the 2015 ozone NAAQS. (see <https://www.epa.gov/airmarkets/interstate-air-pollution-transport>)
 - * EPA intends to issue FFS on November 22, 2018
 - * SIPs need to be “complete” to be excluded from the FFS



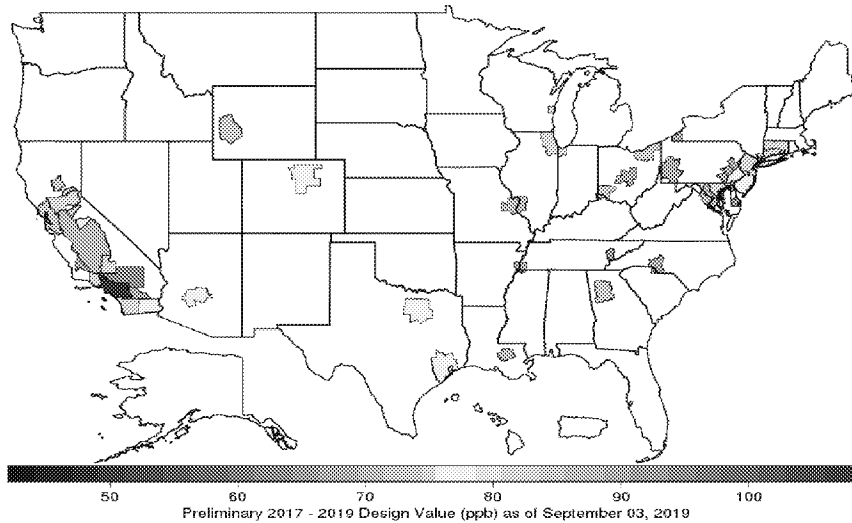
2008 Ozone NAAQS Implementation Update

- ♦ Moderate area update
 - ♦ Moderate area Determinations of Attainment by the Attainment Date for 11 areas published August 23, 2019 (84 FR 44238), effective September 23, 2019
 - ♦ The action establishes new SIP submittal and RACT implementation deadlines for newly-reclassified Serious areas
 - ♦ 1-year attainment date extension for Sheboygan County, WI to July 2019
 - ♦ Separate related actions for Denver, CO; Phoenix, AZ; Imperial County, CA; and Kern County, CA
- ♦ 2008 Ozone NAAQS Interstate Transport
 - ♦ CSAPR Update – September 13, 2019, D.C. Circuit decision on *Wisconsin v. EPA* ruled for EPA on a number of issues but concluded that EPA's interpretation of the Good Neighbor Provision was unreasonable with regard to the timing of upwind emissions reductions. The court remanded the CSAPR Update without vacatur. EPA is currently reviewing the decision and discussing options.
 - ♦ CSAPR Closeout - Litigation is pending in the D.C. Circuit. Considering September 13, 2019, *Wisconsin* decision, Court granted EPA's motion to postpone oral arguments, originally scheduled for September 20, 2019.



**Preliminary 2017-2019 Design Values for
2008 Ozone Nonattainment Areas**
(75 ppb NAAQS)

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1997 Ozone NAAQS Implementation Update

- ♦ The February 2018 *South Coast II* ruling upheld EPA's general authority to revoke a prior NAAQS with adequate antibacksliding protections ("controls") but reversed several key antibacksliding approaches for the revoked 1997 ozone NAAQS, including:
 - ♦ duty to reclassify areas upon failure to timely attain; and
 - ♦ "redesignation substitute" mechanisms to terminate antibacksliding controls
 - ♦ 2nd 10-year maintenance plans
- ♦ The ruling held that to remove antibacksliding requirements, areas that were designated nonattainment for the 1997 NAAQS at time of revocation needed to meet all redesignation requirements under CAA section 107(d)(3). Recent related proposed approvals include:
 - ♦ Houston-Galveston-Brazoria, TX area (84 FR 22093; 5/16/19)
 - ♦ Dallas-Fort Worth, TX area (84 FR 29471; 6/24/19)
- ♦ EPA provided "Resource Document" to assist states with preparing second 175A maintenance plans, including "limited maintenance plans." <https://www.epa.gov/ground-level-ozone-pollution/1997-ozone-national-ambient-air-quality-standards-naaqs-nonattainment>



2010 SO₂ NAAQS Implementation Update

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- **Approved attainment plans:** Currently, 15 SIPs for the initial 29 Round 1 nonattainment areas have been approved. HQ is working with affected Regional Offices and states on addressing approvability issues for the remaining SIPs.
- **Mandatory duty deadline lawsuit:**
 - The Center for Biological Diversity, Center for Environmental Health and the Sierra Club (CBD) filed suit on June 14, 2018 (amended on December 17, 2018) to compel EPA to act on several SIPs submitted for Round 1 areas. The lawsuit also sought to compel EPA to issue findings of failure to submit (FFS) for several nonattainment areas designated in Round 2 or for the 1971 SO₂ NAAQS.
 - Draft consent decree (CD): On September 4, 2019, EPA published in the Federal Register a proposal notice under CAA section 113(g) for 30-day public comment:
 - › Take action on 12 submitted Round 1 SIPs by October 2020 (including one by April 2020).
 - › Issue FFS, which EPA has already completed on September 9, 2019 (two areas).
- **Interstate transport:** EPA continues to make good progress approving submitting SO₂ interstate transport SIPs and continues to work with states to submit approvable SIPs addressing the good neighbor provision.



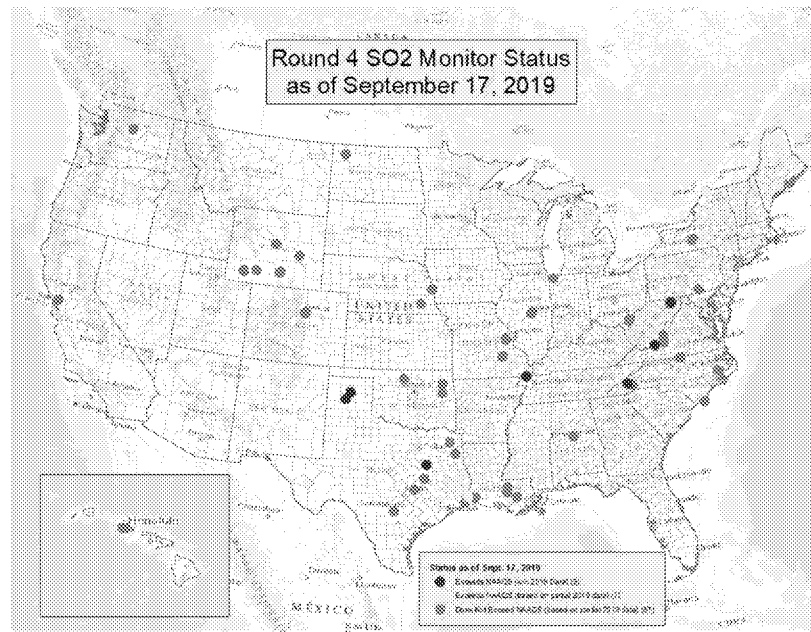
Round 4 SO₂ NAAQS Area Designations

- EPA must designate all remaining portions of the U.S. by December 31, 2020.
- Round 4 Process Guidance Memo issued September 5, 2019.

Milestone	Date
States and tribes certify 2019 SO ₂ monitoring data	No later than May 1, 2020
States and tribes may submit updated recommendations and supporting information for area designations to EPA*	No later than May 1, 2020
States submit exceptional events demonstrations for event-influenced SO ₂ monitoring data from 2017-2019	No later than May 1, 2020
EPA notifies states and tribes concerning any intended modifications to their recommendations (120-day letters)	On or about August 13, 2020
EPA publishes public notice of state and tribal recommendations and EPA's intended modifications, initiating a 30-day public comment period	On or about August 26, 2020 (No later than 130 days prior to final designations)
End of 30-day public comment period	On or about September 25, 2020
In response to EPA's intended designations, states and tribes submit additional information, if desired, to demonstrate why EPA's proposed modification in the 120-day letter to the state's recommended designation or boundary is inappropriate	No later than October 16, 2020
EPA signs notice promulgating final SO ₂ area designations for Round 4	On or about December 17, 2020 (No later than December 31, 2020)

* For any remaining undesignated area (i.e., those areas that installed and began operating EPA-approved SO₂ monitoring networks pursuant to the DRR and that have not been previously designated)





Progress on PM_{2.5} NAAQS Attainment

(as of August 2019)

	1997 PM _{2.5} (2005 Designations)	2006 PM _{2.5} (2009 Designations)	2012 PM _{2.5} (2015 Designations)
Initial Nonattainment Areas	39	32	9
Areas Redesignated to Attainment	35	18	1
Current Nonattainment Areas	4	14	8
Clean Data Determinations	3	10	3
Attainment Deadlines	Serious 11/2021	Serious 12/2019	Moderate 12/2021 Serious 12/2025



PM_{2.5} NAAQS Implementation: 2019 Actions

DATE	STATE	AREA	NAAQS	ACTION
5/28/2019	IL	St. Louis	1997	Final Redesignation
4/10/2019	UT	Provo	2006	Final Clean Data Determination
4/25/2019	AZ	West Central Pinal	2006	Proposed Clean Data Determ.
6/5/2019	UT	Salt Lake City	2006	Proposed Clean Data Determ.
4/12/2019	OH	Cleveland	2012	Final Redesignation
7/16/2019	PA	Lebanon County	2012	Proposed Redesignation
7/16/2019	PA	Delaware County	2012	Proposed Redesignation

- PM_{2.5} Precursor Demonstration Guidance issued in May 2019



Lead (Pb) NAAQS Implementation Update

- Of the 22 areas designated nonattainment for the 2008 Pb NAAQS, 11 have been redesignated to attainment
- All areas have fulfilled attainment planning requirements
- Current focus:
 - Remaining redesignations
 - Monitor removal issues



Exceptional Events Update

- EPA has concurred on 30 state demonstrations that were submitted since EPA revised the Exceptional Events Rule in September 2016
- We continue developing new guidance documents to help right-size demonstrations and facilitate the exceptional events process – Thank you for feedback on drafts!
 - **Stratospheric Ozone Intrusion Guidance – Released November 2018**
 - **Updated High Wind Dust Event Guidance – Released April 4, 2019**
 - **Clarification Memo on Data Modification – Released April 4, 2019**
 - **Prescribed Fire Guidance – Released August 9, 2019**
- EPA's exceptional events webpage provides key resources, including example demonstrations for Ozone and PM, and will continue to be updated as new materials become available

<https://www.epa.gov/air-quality-analysis/treatment-air-quality-data-influenced-exceptional-events>



ADVANCE

www.epa.gov/advance

- * A collaborative effort by EPA, states, tribes and local governments to achieve ongoing emission reductions in areas designated as attainment/maintenance for ozone or PM_{2.5}.
- * Our current partners are located in 36 areas in 20 states and 9 of the 10 EPA Regions. Region 6/7 state participants include 20 of the 36 current Advance areas:
 - * LA – 5 areas; NM – 4 areas; OK – 2 areas; TX – 5 areas; IA – 1 area; MO – 3 areas
 - * There remain a significant number of areas with design values that are approaching the level of the NAAQS and that may be good candidates for Advance.
- * Management of the Advance program within OAQPS is shifting from the Outreach and Information Division to the Air Quality Policy Division.

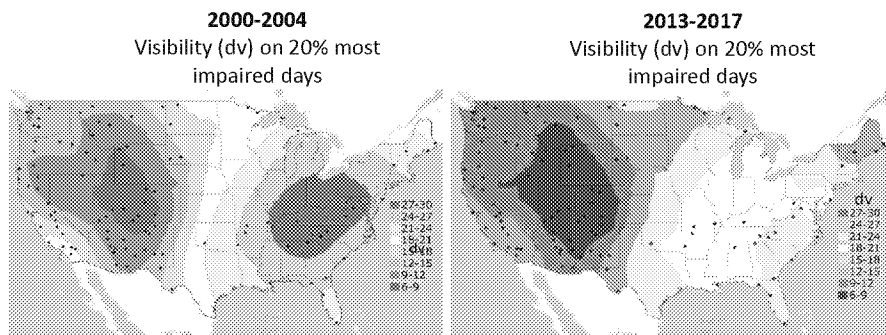


Regional Haze Program

- ♦ “Regional haze” is defined at 40 CFR 51.301 as “visibility impairment that is caused by the emission of air pollutants from numerous anthropogenic sources located over a wide geographic area.”
- ♦ The Regional Haze Rule (RHR or Rule) requires states to submit a series of State Implementation Plans (SIPs) to protect visibility in Class I areas, and governs states’ obligations and EPA’s review of periodic SIPs developed for the second and subsequent implementation periods.
- ♦ In January 2017, EPA issued a final rule updating the regional haze program, including revising portions of the visibility protection rule promulgated in 1980 and the Regional Haze Rule promulgated in 1999.



First Planning Period: Visibility is Improving



- The National Park Service estimates that as of mid-2014, emission controls established under the first planning period led to approximately 500,000 tons/year of SO₂ and 300,000 tons/year of NO_x reductions
- EPA estimates that visibility has improved significantly with the average visual range increased by 20 – 30 miles in Class I areas



Regional Haze: Ongoing Work

- Moving forward as described in the September 11, 2018, Regional Haze Reform Roadmap and supporting states for the second and future implementation periods:
 - 2018 Technical Guidance on Tracking Visibility Progress (completed Dec. 2018)
 - Guidance on Regional Haze State Implementation Plans for the Second Implementation Period (completed August 2019)
 - 2028 Modeling including estimates of U.S. and international source contributions for Class I Areas (completed September 2019)
- Second planning period SIPs due by July 31, 2021
- EPA remains engaged in SIP development
 - Some states plan to submit in 2019
 - We encourage early engagement on all SIPs
 - Regional Offices are available for questions or preliminary feedback
 - We are participating in the CenSARA Regional Haze National Meeting, October 28-30 in St. Louis, MO



Permitting Related Updates

Stakeholder Input and EPA Air Permitting Priorities

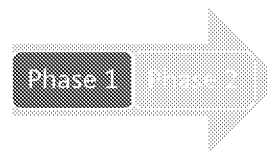
- **Stakeholder Input**

- Presidential Memorandum: "Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing"
- E.O. 13777: "Enforcing the Regulatory Reform Agenda"
- General Themes
 - Permit Processing: Reduce timelines; allow more activities to proceed prior to receipt of permit
 - NSR Applicability: Streamline applicability determination process; provide flexibility and reduce number of projects subject to burdensome requirements
 - Control Technology: Simplify BACT determination process
 - Air Quality Impacts: Improve models; reduce conservatism; address ambient air issues
 - Emission Offsets: Provide more flexibility to expand offset availability

- Consistent with Stakeholder Input and Administration priorities, EPA is taking steps to clarify, revise, and streamline the NSR permitting program



Phase 1 NSR Actions



- Actual-to-Projected-Actual Applicability Test Memo
- Project Emissions Accounting (Guidance, Rule)
- Source Aggregation Guidance (Common Control, Adjacency)
- PM_{2.5} and Ozone SILs Guidance
- Project Aggregation Reconsideration Final Action
- Ambient Air Guidance
- Affordable Clean Energy Rule NSR Applicability Test
- Treatment of Biogenic CO₂ from Biomass Combustion



Actual-to-Projected-Actual Applicability Test Memo

- ♦ **Memorandum: “New Source Review Preconstruction Permitting Requirements: Enforceability and Use of the Actual-to-Projected-Actual Applicability Test in Determining Major Modification Applicability”**
 - ♦ Signed by Administrator Pruitt 12/7/17
 - ♦ Where a source projects an insignificant emissions increase, the level of actual emissions after the project governs applicability
 - ♦ Projections may reflect the intent to actively manage post-project operations in order to prevent a significant emissions increase from occurring
 - ♦ EPA will not second guess NSR applicability analyses that comply with the procedural requirements of the regulations



Project Emissions Accounting

- ♦ **Memorandum: “Project Emissions Accounting Under the New Source Review Preconstruction Permitting Program”**
 - ♦ Signed by Administrator Pruitt on 3/13/18 (83 FR 13745; 3/30/18)
 - ♦ Memo Communicates EPA’s interpretation that the current NSR regulations provide that emissions decreases as well as increases are to be considered at Step 1 of the NSR applicability process, i.e., determining whether a project will result in a significant emissions increase
- ♦ **Proposed Rule (84 FR 39244, 8/9/19)**
 - ♦ Proposing revisions to the NSR regulations to fully clarify that both increases and decreases resulting from a project are to be accounted for under Step 1 of the applicability process for all project categories
 - ♦ Although the existing language in the NSR regulations supports this interpretation, rulemaking proposal is intended to clarify that and eliminate any uncertainty



Source Aggregation

- **Common Control – Meadowbrook Letter**

- 4/30/18 letter to PA DEP clarified EPA's interpretation of "common control"
- Letter explains EPA's view that control means the power or authority of one entity to dictate decisions of the other that could affect the applicability of, or compliance with, relevant air pollution regulatory requirements

- **Common Control – Ameresco Letter**

- 10/16/18 letter to WI DNR further clarified EPA's interpretation of "common control"
- In a situation where two entities each exercise some level of control of a single, limited aspect of otherwise separate operations, it is reasonable to conclude that they are separate sources
- Shared activities should be allocated to a single source to avoid unworkable outcomes

- **Adjacency**

- 2016 Rulemaking clarified "adjacent" for oil and gas operations (within ¼ mile + shared equipment)
- **9/5/18: "Draft Guidance: Interpreting Adjacent for New Source Review and Title V Source Determinations in All Industries other than Oil and Gas"**
 - EPA interprets "adjacent" to mean physical proximity; No bright line or fixed distance
 - For operations not in physical proximity, the existence of functional interrelationship shall not be invoked to establish adjacency



PM_{2.5} and Ozone SILs Guidance

- ♦ **Guidance on Significant Impact Levels (SILs) for Ozone and Fine Particles in the Prevention of Significant Deterioration Permitting Program**

- ♦ Signed 4/17/18 (Peter Tsirigotis, OAQPS)
- ♦ Revised PM_{2.5} SILs/new ozone SILs:
 - ♦ Based on new technical approach and legal rationale
 - ♦ Streamline the air dispersion modeling process for PSD
- ♦ Guidance comprised of (1) Policy memorandum; (2) Technical document and (3) Legal support document
 - ♦ Where SILs are used, reference all three and include in any permit record
 - ♦ Not final agency action; not binding for industry, permitting authorities, or the public



Project Aggregation Reconsideration

- **Background:**
 - 2009 “Interpretive Rule” for Project Aggregation Established “substantially related” criterion for aggregating projects, and a 3-year rebuttable presumption against aggregating
 - NRDC petitioned for reconsideration and sued EPA on the 2009 Rule
 - EPA granted reconsideration and stayed the effectiveness of the 2009 Rule pending completion of the reconsideration or litigation
- **Final Action--Reconsideration Final Rule (83 FR 57324; 11/15/18):**
 - Retains the 2009 Rule without amending the rule text or the 2009 interpretation
 - Addresses notice and comment deficiencies and responds to other issues raised by NRDC
 - Lifts the stay of the 2009 Rule, making the rule effective



Ambient Air Policy

- **EPA defines “ambient air” as “that portion of the atmosphere, external to buildings, to which the general public has access” (40 CFR 50.1(e))**
 - EPA’s longstanding policy for implementing ambient air for PSD purposes was stated in a 1980 Costle letter, *“the atmosphere over land that is owned or controlled by the source and to which public access is precluded by a fence or other physical barriers”*
 - Subsequent guidance provided over the years by EPA to recommend how to apply 1980 policy statement for specific situations
- **Draft policy “Revised Policy on Exclusions from Ambient Air” issued 11/9/18**
 - Limited change to the way EPA applies regulatory definition of ambient air
 - Change replaces specific concept of a fence or other physical barriers with *measures, which may include physical barriers, that are effective in deterring or precluding access to the land by the general public*



ACE Rule EGU Hourly Emissions Test

- As part of the ACE proposed rule, EPA proposed to incorporate an hourly emissions test for NSR modification applicability for EGUs
- Three options proposed
- Hourly test would be a tool for states to implement the ACE rule; adoption would not be mandatory
- NSR rulemaking severed from 6/19 final ACE rule
- We're working on it



Treatment of Biogenic CO₂ in Air Permitting

- FY2017 and FY2019 Consolidated Appropriations Act outlines how EPA and other agencies are to establish consistent policies regarding the use of forest biomass for energy production including policies that reflect the carbon-neutrality of forest bioenergy
- 4/18 EPA policy statement: Forthcoming regulatory actions will treat biogenic CO₂ resulting from the combustion of biomass from managed forests at stationary sources for energy production as carbon neutral
- We're working on it



Phase 2 NSR Actions



- Tribal NSR Oil & Gas FIP
- NSR Error Corrections Rule
- Plantwide Applicability Limit Guidance
- NSR Actual-to-Projected-Actual Applicability Test Guidance
- Begin Actual Construction Guidance
- NSR Rule Reconsiderations



Phase 2 NSR Actions (cont.)

- * Tribal NSR Oil & Gas FIP
 - * Proposed rule Part I Registration Form streamlining amendment, (84 FR 33715, 7/15/2019); comment period closes 9/13/19
- * NSR Error Corrections Rule
 - * Stand-alone rule to correct errors in NSR regulation
- * Plantwide Applicability Limit (PAL) Guidance
 - * PAL regulations were established as part of 2002 NSR reform
 - * Guidance would address elements of the PAL regulations that stakeholders have identified as sources of perceived risk/disincentive
- * NSR Actual-to-Projected-Actual Applicability Test Guidance
 - * Guidance would address certain elements of the 2002 NSR reform rule applicability regulations



Phase 2 NSR Actions (cont.)

- * **Begin Actual Construction Guidance**
 - * Sources cannot legally “begin actual construction” of a major source or major modification without first obtaining a major NSR permit
 - * Guidance would explore potential flexibilities under the existing regulatory language to allow certain non-emitting activities to be undertaken prior to obtaining a permit
- * **NSR Rule Reconsiderations (in progress)**
 - * Reasonable Possibility Rule
 - * Fugitive Emissions Rule
 - * Ethanol Rule



Other Permitting Actions and Updates

- MACT Once In Always In Policy (Guidance, Rule)
- Title V Petitions & Petitions Process Rule
- Title V Petitions: NSR Interface
- Permitting Process Improvements
- E-Guidance Compendium
- Training



MACT Once In Always In Policy

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- **Memorandum: “Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act” (“MM2A memo”)**
 - Signed by AA Bill Wehrum 1/25/18
 - Memo addresses when a major source subject to a maximum achievable control technology (MACT) standard, under section 112 of the Clean Air Act (CAA), may be reclassified as an area source and no longer subject to MACT requirements
 - Withdraws 1995 Seitz memo “Once In Always In” (OIAI) policy, which required major sources to limit potential to emit to below the major source threshold by the first compliance date to be treated as an area source
 - *Major source becomes area source at such time that source takes an enforceable limit on its potential to emit HAP below the major source thresholds (10 tons per year [tpy] of a single hazardous air pollutant or 25 tpy of any combination of HAP)*
- **2019 MM2A Proposal (84 FR 36304, 7/26/2019)**
 - Addresses questions received after 2018 MM2A Memorandum issued
 - Reclassification process; Criteria for establishing effective PTE HAP limitations
 - Supersedes and replaces 2007 NPRM NESHAP: General Provision Amendments; addresses reclassification issues covered in 2007 NPRM
 - Timing for compliance with applicable NESHAP standards; Notification requirements; Recordkeeping requirements; Interaction with enforcement actions



Title V Petitions & Petitions Process Rulemaking

- Title V Petitions continue to be a substantial work load

	<u>FY 2018</u>	<u>FY2019 (thru Aug)</u>
Petitions Received	11	9
Petitions Resolved	34	19

- Trends: Increased focus on wood pellet manufacturing

- **Title V Petitions Process Rulemaking**

- Proposed rule August 15, 2016 (81 FR 57822); Final expected Fall 2019
- Proposal included changes in 3 key areas: method of petition submittals, required content/format of petitions; administrative record requirements for states.



Title V Petitions – NSR Interface

- PacifiCorp Hunter Order (10/16/2017) – EPA will not look back at decisions made in NSR permitting process in the context of title V
 - Permitting agencies and EPA need not reevaluate- in the context of title V permitting, oversight, or petition responses- previously issued final preconstruction permits, especially those that have already been subject to public notice and comment and an opportunity for judicial review
 - Concerns with these final preconstruction permits should instead be handled under the authorities found in title I of the Act (e.g., enforcement actions under CAA § 113 or 167, state court appeals of preconstruction permits, or citizen enforcement actions under CAA § 304)
 - Where a final preconstruction permit has been issued, whether it is a major or minor NSR permit, the terms and conditions of that permit should be incorporated as "applicable requirements"
- Big River Steel Order (10/31/2017) – Applies same interpretation to fact set involving merged NSR/Title V program



Permitting Process Improvements

- Increased use of electronic systems
 - Central Data Exchange (CDX) for receipt of title V petitions
 - Electronic Permitting System (EPS)
 - Working with 35 state and local programs to develop system that will allow electronic submittal of state-issued NSR, title V, and other permits for EPA review
 - Also electronic processing of EPA-issued NSR and title V permits
 - Replacing and modernizing RACT/BACT/LAER Clearinghouse
- EPA Permit Oversight Policy & Framework
 - Goal is to develop a national approach to oversight of permits and permitting programs that is consistent and standardized
 - Would apply to the following EPA & state permit programs: NSR, Title V, NPDES, Underground Injection Control (UIC), and RCRA



Permitting References/Training

- E-Guidance Compendium
 - Enhancement to current NSR website
 - Organizing current guidance documents in NSR index by topic
- Training



Questions and Comments



NAAQS Implementation Milestones (August 2019)

Pollutant	Final NAAQS Signature	Nonattainment Designations Effective	Infrastructure SIP Due	Attainment Plans Due	Attainment Date
PM _{2.5} (2006)	Oct 2006	Dec 2009	Oct 2009	Dec 2014	Dec 2015 (Moderate) Dec 2019 (Serious)
Pb (2008)	Oct 2008	Dec 2010-2011	Oct 2011	June 2012-2013	Dec 2015-2019
PM _{2.5} (2012)	Dec 2012	Apr 2015	Dec 2015	Oct 2015 (Moderate)	Dec 2021 (Moderate) Dec 2025 (Serious)
NO _x (2010) (primary)	Jan 2010	Feb 2012	Jan 2013	N/A	N/A
SO ₂ (2010) (primary)	June 2010	Oct 2013, Sept 2016, Apr 2018 (early 2021)	June 2013	Apr 2015, Mar 2018, Oct 2019 (mid 2022)	Oct 2018, Sept 2021, Apr 2023 (early 2026)
Ozone (2005)	Mar 2008	July 2012	Mar 2011	July 2015-2016*	July 2021-2032
Ozone (2015)	Oct 2015	Aug 3, 2018 (Sep 24, 2018 for San Antonio, TX)	Oct 2018	Aug 2021-2022	Aug 2021-2038

* January 2017 for areas reclassified from Marginal to Moderate. August 2020 for areas reclassified from Moderate to Serious.
 ** for areas classified from Serious to Extreme



Message

From: Mathias, Scott [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4BE52CDCCCA348EEB5CD1EFEBE6CAF24-SMATHIAS]
Sent: 4/20/2020 10:21:39 PM
To: Mary Uhl [maryuhl@westar.org]
CC: Yvonnew Johnson [johnson.yvonnew@epa.gov]; Wayland, Richard [Wayland.Richard@epa.gov]
Subject: RE: WESTAR-WRAP Virtual Spring Business Meeting Agenda and remote access information
Attachments: Spring 2020_NAAQS Implem_Final_4-20-20.pdf; Spring 2020_NAAQS Implem_Final_4-20-20.pptx

Hi Mary,

My slides for tomorrow are attached. I've included both a PDF and PPT versions.

Scott Mathias | Air Quality Policy Division | U.S. EPA, RTP, NC 27711 | 919.541.5310

CONFIDENTIALITY: This email and any attachments are confidential, except where the email states it can be disclosed; it may also be covered by deliberative privilege. If received in error, please do not disclose the contents to anyone, but notify the sender by return email and delete this email and any attachments from your system.

From: Mary Uhl <maryuhl@westar.org>
Sent: Monday, April 20, 2020 2:26 PM
Subject: WESTAR-WRAP Virtual Spring Business Meeting Agenda and remote access information

Hello WESTAR and WRAP members and friends,

Our virtual spring business meeting kicks off tomorrow (Tuesday, April 21) from 1-3:30 pm MDT and continues on Wednesday, April 22 from 1-3:30 pm MDT. As WESTAR-WRAP has never hosted an entirely remote access business meeting, this is all a grand experiment and it will not be perfect, given that we are all mostly at home with pets needing walks/food, homeschooling children (also needing food), spouses conducting home improvement projects or making food (drills and blenders in the background, in my experience) and many other distractions that we can't begin to predict. This is, however, a good opportunity for us to get together in the midst of this public health crisis and talk about air quality in the west for a couple of hours. I'm looking forward to hearing from all of you, please join us for as much of the meeting as you can and feel free to invite others from your agency to join as well--we have capacity for many attendees.

The agenda for the webinar with links to some presentations is here: <http://www.westar.org/Docs/Business%20Meetings/spring20/Spring2020draftversion04032020.pdf>. Note that each day has a different webinar link embedded within the agenda. Here is what you need to do:

1. Click on the webinar link first.
2. You will have an option to call in using the conference line, have the system call you on your phone or use computer audio if you have speakers and a microphone. Note that if you want to use computer audio, you'll need to have a good internet connection; most reliable is to use the phone. If you have the system call you, we can see which line to unmute if you have a question. If you call in on your own, you'll need to send us a message in the chat box with the number you are calling from if you wish to be unmuted.
3. If you do opt to use computer audio and think you might want to ask a question, test your microphone ahead of time.
4. All lines will be muted except for the presenter during the presentations.

5. If you have a question during the webinar, you can either type it into the chat box OR request to be unmuted by raising your hand on the webinar or typing in the chat box that you'd like to be unmuted. WESTAR staff will be watching the chat box and for raised hands. Either works. Of course, by the law of webinars during a pandemic, the moment you are unmuted, your dog will bark or your child/spouse will yell something or the doorbell will ring with your latest delivery, but we'll all just chuckle and it will be ok.
6. If you have any difficulties or questions, email me (maryuhl@westar.org) or Jackie (jgadret@westar.org) or type a message in the chat box and send it to us.

Hope to hear/"see" you at our meeting tomorrow,
Mary

Mary Uhl, Executive Director

Western States Air Resources Council (WESTAR)

3 Caliente Rd #8

Santa Fe, NM 87508

maryuhl@westar.org

(505) 930-5197



NAAQS/SIP, Permitting, & Other Air Quality Planning Updates

Spring 2020

Scott Mathias, Acting Director, Air Quality Policy Division
Office of Air Quality Planning and Standards



Overview

- EPA Strategic Plan Priority Goals
 - Nonattainment Areas
 - SIP Process Improvements
- NAAQS Implementation Updates
 - Ozone
 - Sulfur Dioxide (SO₂)
 - Fine Particulate Matter (PM_{2.5})
 - Lead (Pb)
- Advance Program
- Exceptional Events
- Startup, Shutdown & Malfunction
- Regional Haze
- Permit Program Updates

EPA Strategic Plan Foundation



Goal 1: A Cleaner, Healthier Environment. Deliver a cleaner, safer and healthier environment for all Americans and future generations by carrying out the agency's core mission.

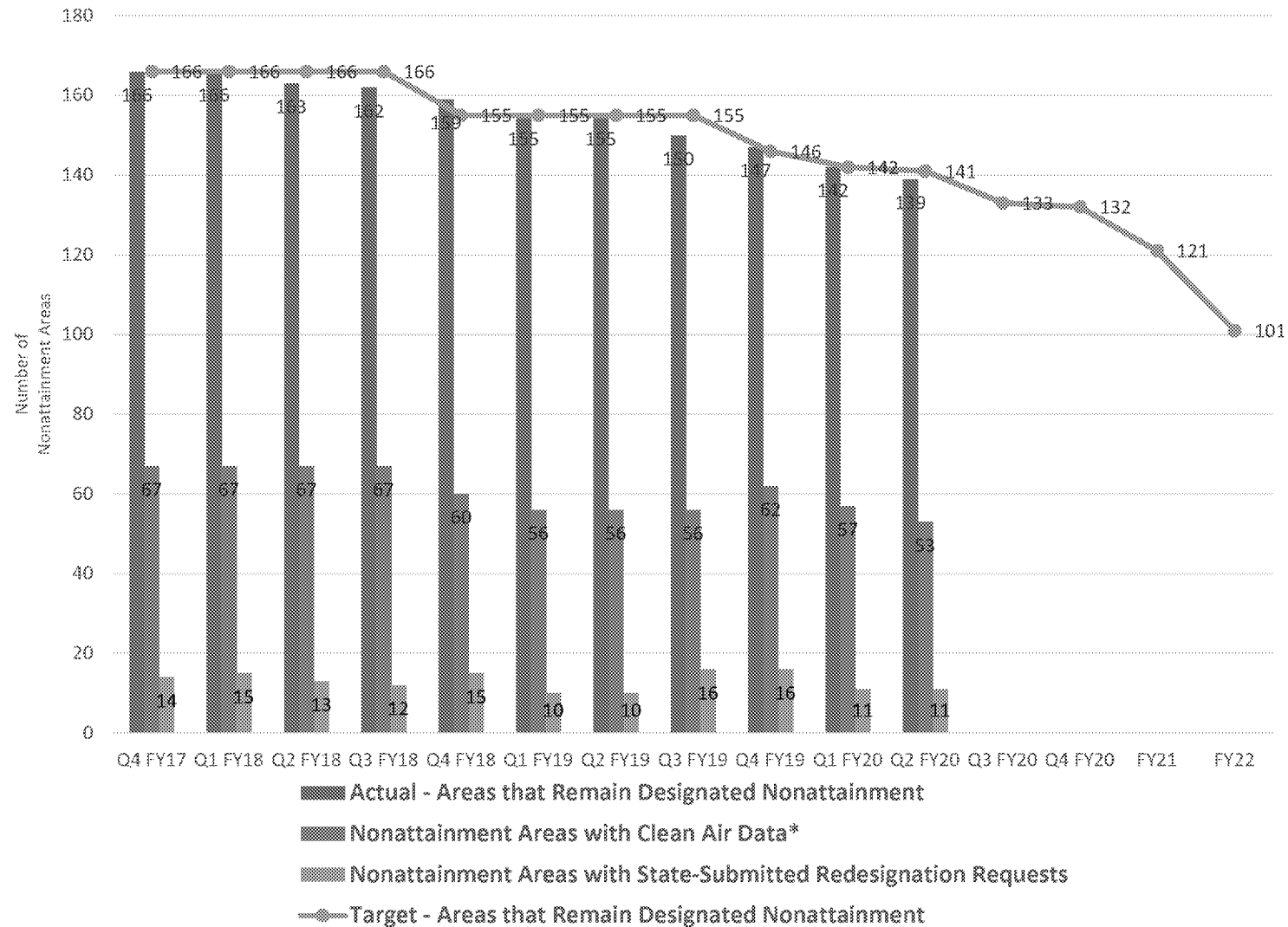
Goal 2: Provide certainty to states, localities, tribal nations and the regulated community in carrying out shared responsibilities and communicating results to all Americans.

Goal 3: Increase certainty, compliance and effectiveness by applying the rule of law to achieve more efficient and effective agency operations, service delivery and regulatory relief.



Reducing Number of Nonattainment Areas

Agency Priority Goal: By September 30, 2022, EPA, in close collaboration with states, will reduce the number of nonattainment areas to 101 from a baseline of 166.

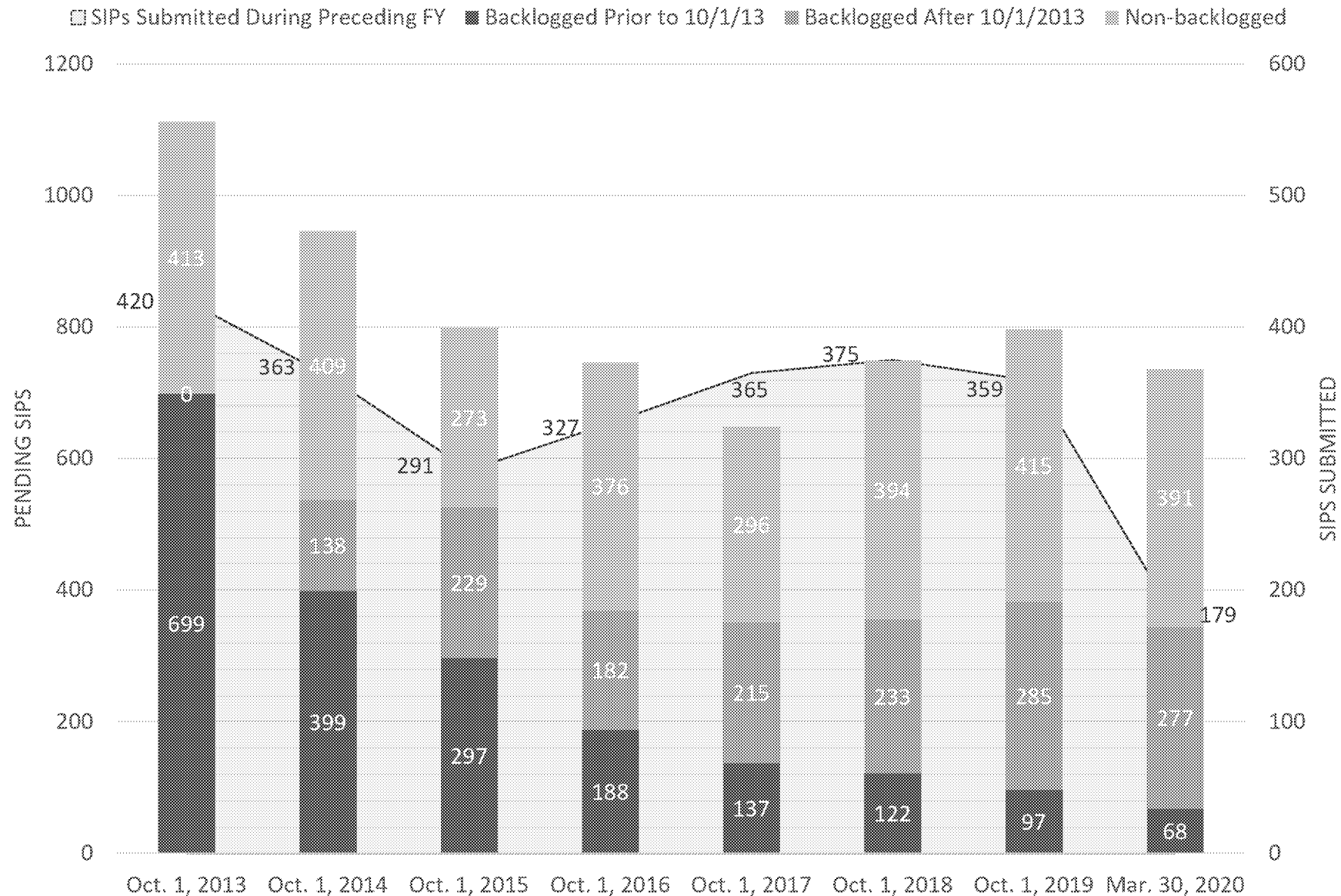


**Clean air data is a key step to redesignation to attainment, which can occur once an area's air quality attains the federal standard.*



Improving State Implementation Plan Reviews

SIPs Pending EPA Review – 2013 to March 2020



WESTAR States SIP Backlog Report

(as of 4/13/2020)

Region 10		Region 9	
<u>State</u>	<u>Backlogged SIPs</u>	<u>State</u>	<u>Backlogged SIPs</u>
Alaska	1	Arizona	29
Idaho	3	California	103
Oregon	5	Hawaii	0
Washington	1	Nevada	6
<i>Total</i>	<i>10</i>	<i>Total</i>	<i>138</i>
Region 8		Region 6	
Colorado	4	New Mexico	4
Montana	6	<i>Total</i>	<i>4</i>
North Dakota	4		
South Dakota	1		
Utah	7		
Wyoming	2		
<i>Total</i>	<i>24</i>		

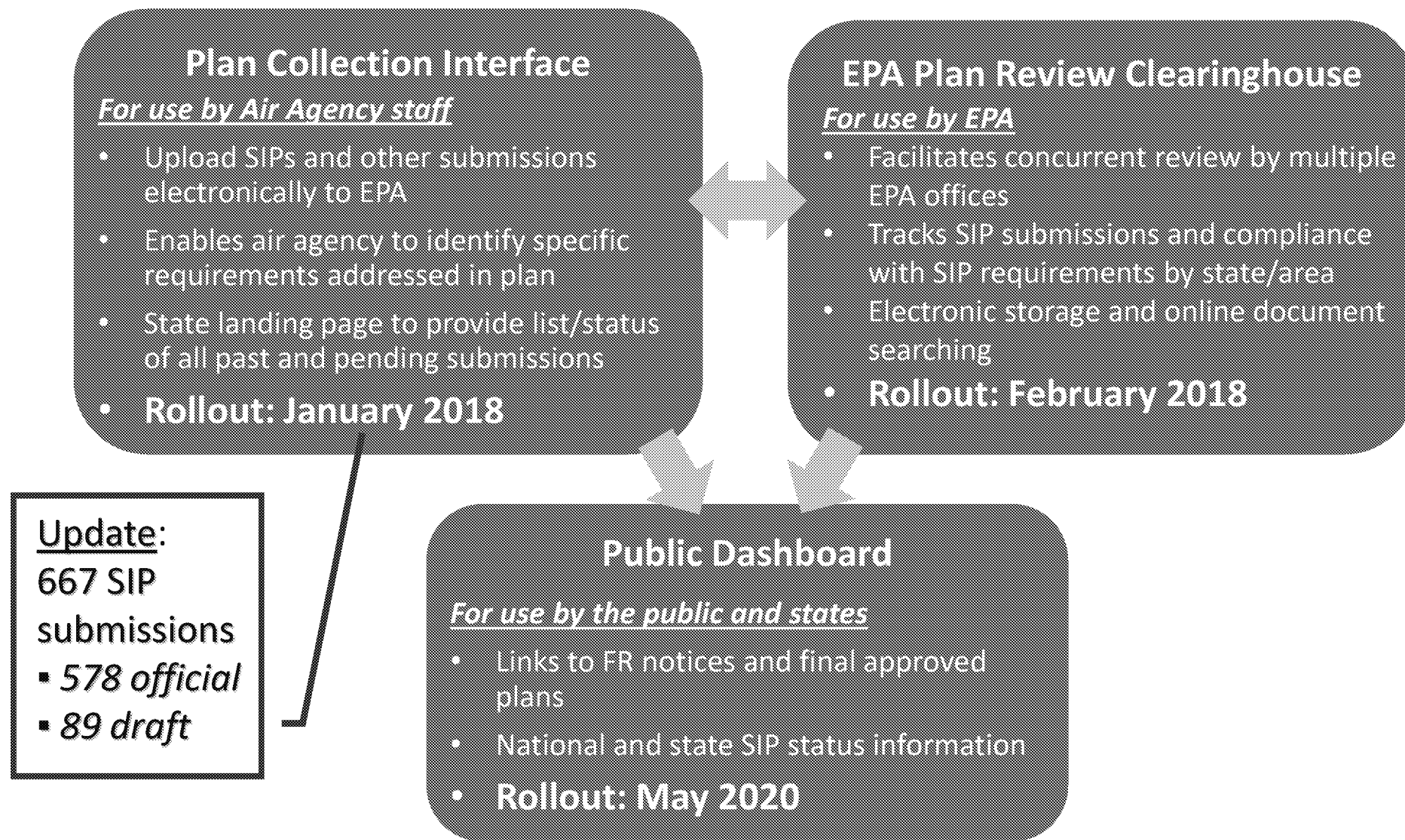


SIP Process Improvements

- Early engagement during SIP development
- SIP Lean Toolkit - <https://www.epa.gov/air-quality-implementation-plans/state-implementation-plan-sip-lean-toolkit-collaboration-between>
- Ongoing activities:
 - Undertaking backlog reduction techniques for the most difficult SIPs including withdrawal and disapproval (letters sent in late 2019 followed by 1:1 conversations with states)
 - Updates to www.epa.gov/sips
 - State Plan Electronic Collaboration System (SPeCS) development



State Plan Electronic Collaboration System (SPeCS) for SIPs



Pollutant-Specific Implementation Updates

Ozone, SO₂, PM_{2.5}, Pb

2015 Ozone NAAQS Implementation Update

- 52 areas initially designated nonattainment:
 - 51 areas (excluding San Antonio) effective August 3, 2018 (83 FR 25776; 6/04/18)
 - San Antonio, Texas area effective September 24, 2018 (83 FR 35136; 7/25/18)

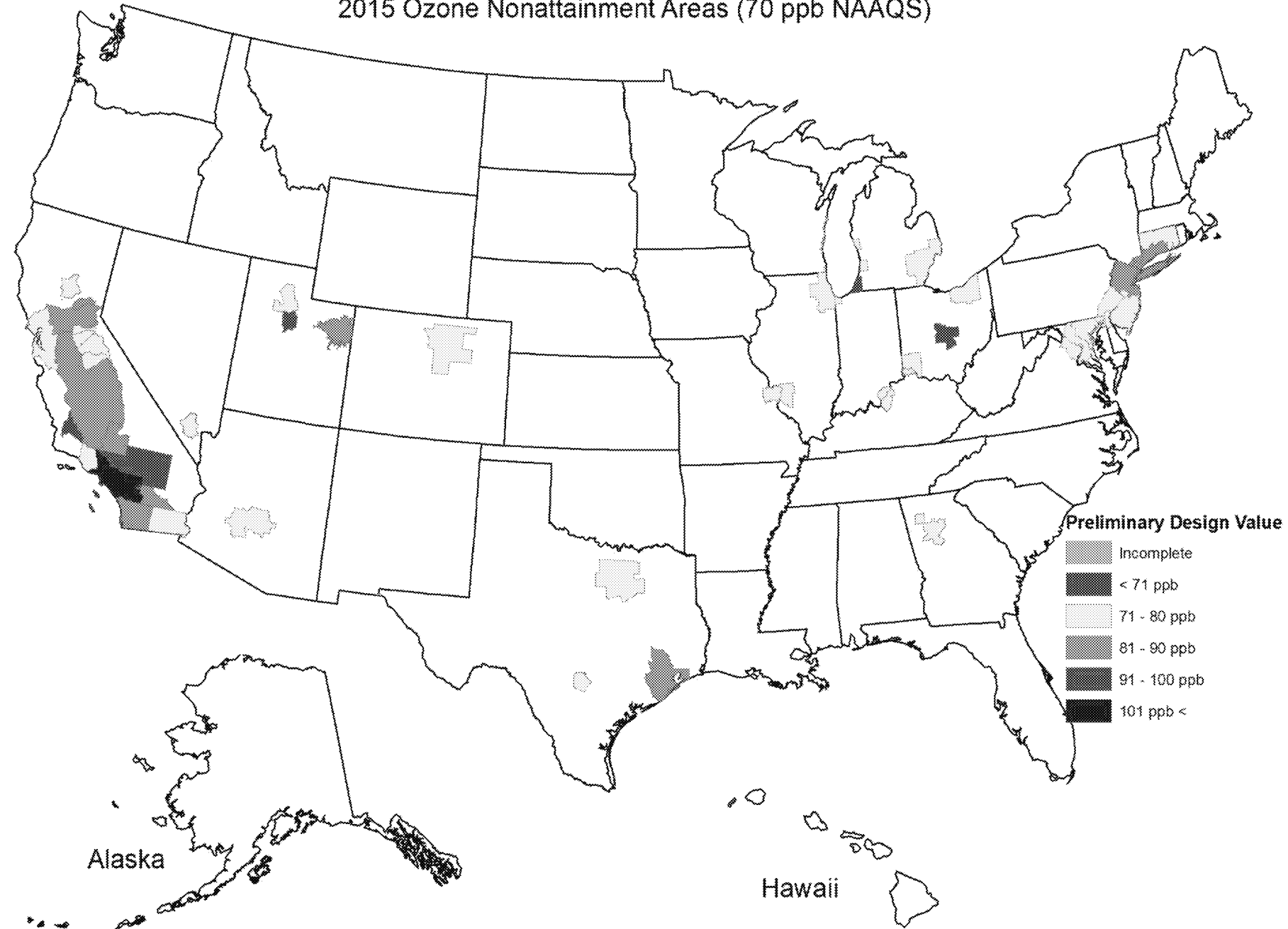
Classification	Number of Areas	Attainment Deadline (years)	Attainment Date
Marginal	39	3	August 3, 2021* (2018-2020 DV)
Moderate	5	6	August 3, 2024
Serious	2	9	August 3, 2027
Severe-15	2	15	August 3, 2033
Extreme	2	20	August 3, 2038
Rural Transport (Marginal)	2	N/A	---
TOTAL	52		

* Sep 24, 2021 for San Antonio, TX area

- Columbus, OH area redesignated to attainment (84 FR 43508; 8/21/19); redesignation proposals for Door County, WI and Berrien County, MI areas anticipated Spring 2020
- Initial SIP submittals (emissions inv./statements) due August 3, 2020

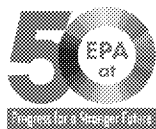


Preliminary 2017 - 2019 Design Values for
2015 Ozone Nonattainment Areas (70 ppb NAAQS)



2015 Ozone NAAQS Implementation Update (cont.)

- Infrastructure SIP update
 - SIPs were due October 1, 2018
 - As of April 2020, EPA has received 39 full submittals and 9 partial submittals
- Litigation on 2015 Ozone NAAQS SIP Requirements Rule
 - Final rule published December 6, 2018 (83 FR 62998)
 - Petitioners' brief filed July 22, 2019:
 - NNSR interprecursor trading
 - RFP requirements: milestone compliance demonstrations
 - RFP requirements: alternative baseline year
 - Early implemented contingency measures
 - Oral arguments Fall 2020 earliest



2015 Ozone NAAQS Interstate Transport

- EPA is actively reviewing submitted 2015 ozone NAAQS transport SIPs
 - Received 46 of 56 states/jurisdictions
 - Finalized approval action on 5 SIP submissions
 - Proposed approval on an additional 13 submissions
- Findings of Failure to Submit (FFS) outstanding interstate transport SIPs that were due October 1, 2018
 - On November 22, 2019, EPA issued an FFS finding that 7 states failed to submit interstate transport SIPs for the 2015 ozone NAAQS.
 - 2 states have since submitted



2008 Ozone NAAQS Implementation Update

- Moderate Area Update

- Moderate area Determinations of Attainment by the Attainment Date (DAAD) published August 23, 2019 (84 FR 44238), effective September 23, 2019
- Separate related final actions for Phoenix, AZ; Denver, CO; and Imperial County, CA
- DAAD action established new SIP submittal and RACT implementation deadlines for newly-reclassified Serious areas
- Redesignation proposals for Inland and Shoreline Sheboygan County, WI areas and Chicago-Naperville, IL-IN-WI area anticipated Spring 2020

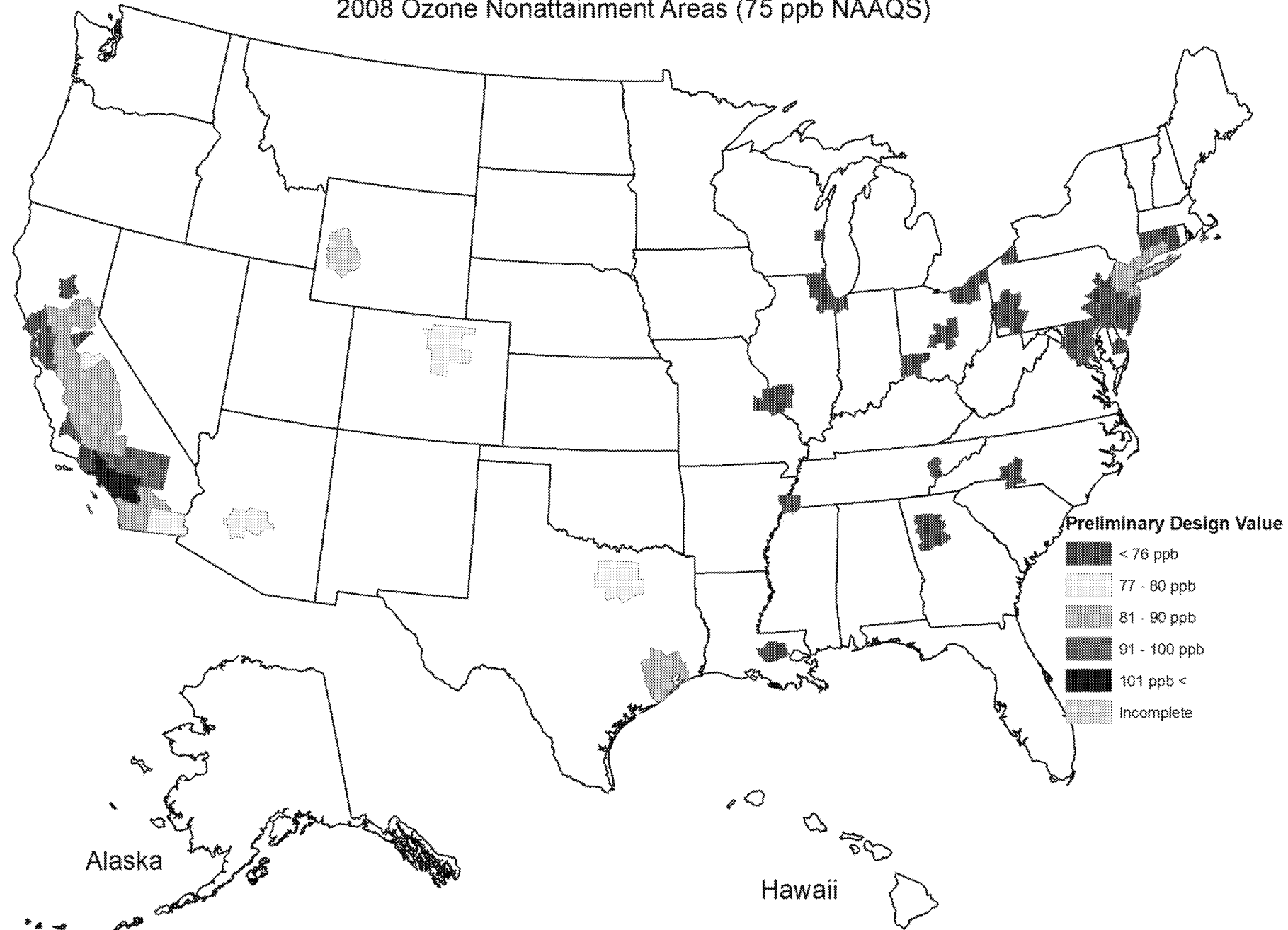
- 2008 Ozone NAAQS Interstate Transport

- **CSAPR Update** – September 13, 2019, D.C. Circuit decision on *Wisconsin v. EPA* ruled for EPA on a number of issues but concluded that EPA's interpretation of the Good Neighbor Provision was unreasonable with regard to the timing of upwind emissions reductions. The court remanded the CSAPR Update without vacatur. EPA is currently reviewing the decision and discussing options.
- **CSAPR Closeout** – October 1, 2019, D.C. Circuit decision on *New York v. EPA*, was to vacate and remand the CSAPR Close-Out because it did not address states good neighbor obligations with respect to the next applicable attainment date in 2021.



Preliminary 2017 - 2019 Design Values for
2008 Ozone Nonattainment Areas (75 ppb NAAQS)

15



1997 Ozone NAAQS Implementation Update

- The February 2018 South Coast II ruling upheld EPA's general authority to revoke a prior NAAQS with adequate antibacksliding protections ("controls") but reversed several key antibacksliding approaches for the revoked 1997 ozone NAAQS, including:
 - not reclassifying areas upon failure to timely attain;
 - "redesignation substitute" mechanisms to terminate antibacksliding controls; and
 - excusing 2nd 10-year maintenance plan obligation for "orphan maintenance areas"
- The ruling held that to remove antibacksliding requirements, areas that were designated nonattainment for the 1997 NAAQS at time of revocation needed to meet all redesignation requirements under CAA section 107(d)(3). Region 6 finalized new redesignation actions:
 - Houston-Galveston-Brazoria, TX area (85 FR 8411; 2/14/20)
 - Dallas-Fort Worth, TX area (85 FR 19096; 4/06/20)
- We are also updating 40 CFR part 52 to reflect certain nonattainment areas that previously attained the 1997 NAAQS by their respective attainment dates (direct final rule anticipated mid-2020).



2010 SO₂ NAAQS Implementation Update

- Round 1 nonattainment areas:
 - EPA has approved attainment plans for 18 areas (out of 29); one area has a CDD
 - EPA is under consent decree to take final action on submitted plans for 1 area by April 30, 2020 and for 8 other areas by October 30, 2020
 - Regional Offices are working with HQ and states on addressing approvability issues for all remaining attainment plans and acting quickly on redesignation requests
- Round 2 nonattainment areas:
 - EPA issued Findings of Failure to Submit attainment plans for two areas in a FR notice dated September 20, 2019, with an effective date of October 21, 2019
 - Attainment plans were due March 12, 2018
- Round 3 nonattainment areas:
 - Attainment plans were due October 9, 2019
- Interstate transport:
 - EPA continues to make good progress approving submitted SO₂ interstate transport SIPs and continues to work with states to submit approvable SIPs addressing the good neighbor provision.

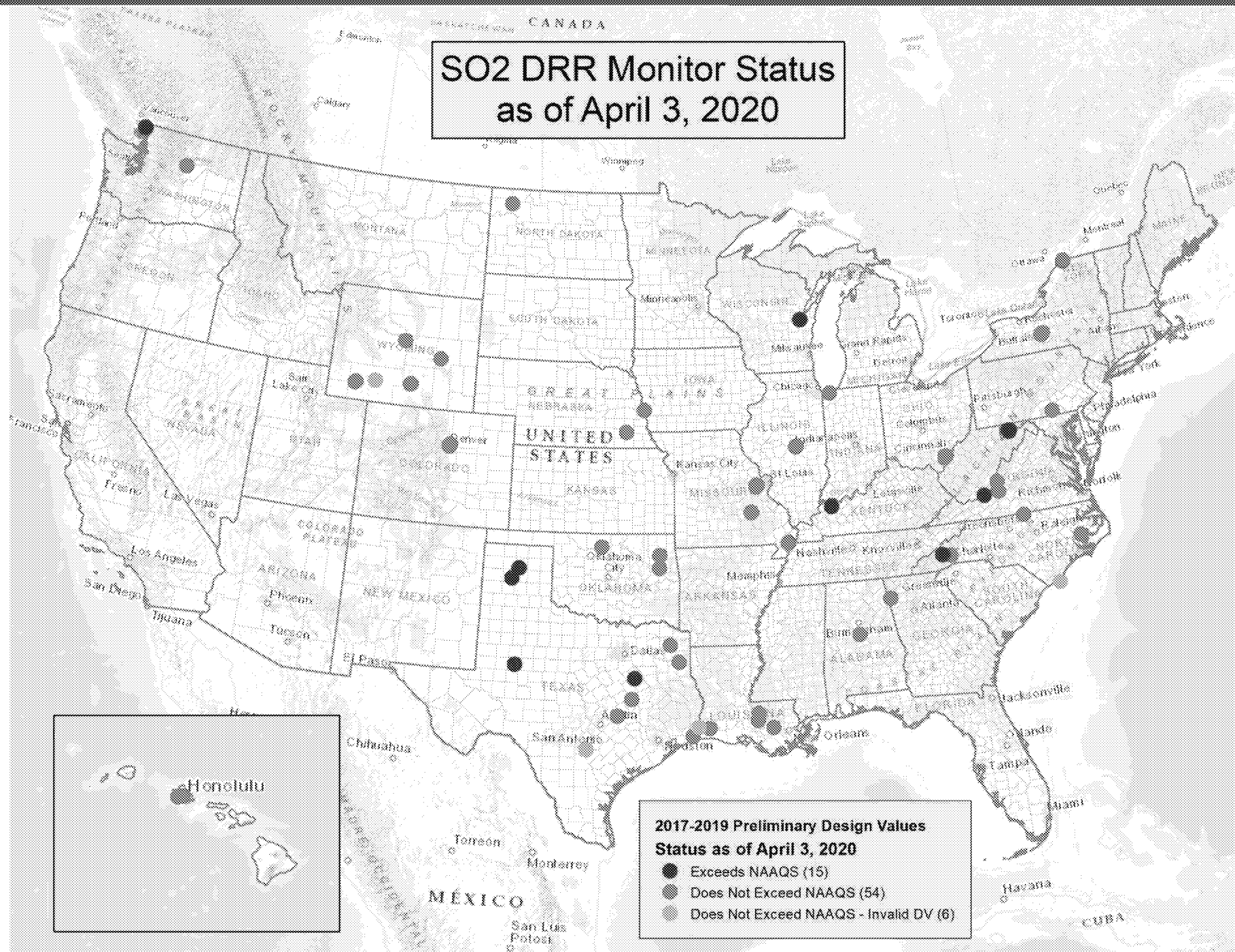


Round 4 SO₂ NAAQS Area Designations

- EPA must designate all remaining portions of the U.S. by December 31, 2020.
- Round 4 Process Guidance Memo issued September 5, 2019.
- The next major milestones are on May 1, 2020.

Milestone	Date
States and tribes certify 2019 SO ₂ monitoring data	No later than May 1, 2020
States and tribes may submit updated recommendations and supporting information for area designations to EPA*	No later than May 1, 2020
States submit exceptional events demonstrations for event-influenced SO ₂ monitoring data from 2017-2019	No later than May 1, 2020
EPA notifies states and tribes concerning any intended modifications to their recommendations (120-day letters)	On or about August 13, 2020
EPA publishes public notice of state and tribal recommendations and EPA's intended modifications, initiating a 30-day public comment period	On or about August 26, 2020 (No later than 120 days prior to final designations)
End of 30-day public comment period	On or about September 25, 2020
In response to EPA's intended designations, states and tribes submit additional information, if desired, to demonstrate why EPA's proposed modification in the 120-day letter to the state's recommended designation or boundary is inappropriate	No later than October 16, 2020
EPA signs notice promulgating final SO ₂ area designations for Round 4	On or about December 17, 2020 (No later than December 31, 2020)

* For any remaining undesignated area (i.e., those areas that installed and began operating EPA-approved SO₂ monitoring networks pursuant to the DRR and that have not been previously designated).



Progress on PM_{2.5} NAAQS Attainment

(as of March 31, 2020)

	1997 PM _{2.5} (2005 Designations)	2006 PM _{2.5} (2009 Designations)	2012 PM _{2.5} (2015 Designations)
Initial Nonattainment Areas	39	32	9
Areas Redesignated to Attainment	35	18	3
Current Nonattainment Areas	4	14	6

Attainment Deadlines

Serious 11/2021

Serious 12/2019

Moderate 12/2021



PM_{2.5} NAAQS Implementation: 2019 Actions

NAAQS	DATE	STATE	AREA	ACTION
1997	5/28/2019	IL	St. Louis	Final Redesignation
2006	4/10/2019	UT	Provo (Serious)	Final Clean Data Determination
2006	9/29/2019	UT	Salt Lake City (Serious)	Final Clean Data Determination
2006	10/03/2019	AZ	West Central Pinal	Final DAAD
2012	4/12/2019	OH	Cleveland	Final Redesignation
2012	9/30/2019	PA	Lebanon County	Final Redesignation
2012	9/30/2019	PA	Delaware County	Final Redesignation



Lead (Pb) NAAQS Implementation Update

- Of the 22 areas designated nonattainment for the 2008 Pb NAAQS, 11 have been redesignated to attainment
- All areas have fulfilled attainment planning requirements
- Current focus:
 - Remaining redesignations
 - Monitor removal issues



Exceptional Events Update

- EPA has concurred on 34 state demonstrations that were submitted since EPA revised the Exceptional Events Rule in September 2016
- Guidance documents to help right-size demonstrations and facilitate the exceptional events process:
 - Stratospheric Ozone Intrusion Guidance – Released November 2018
 - Updated High Wind Dust Event Guidance – Released April 4, 2019
 - Clarification Memo on Data Modification – Released April 4, 2019
 - Prescribed Fire Guidance – Released August 9, 2019
- SPeCS for Exceptional Events is under development and expected to be deployed this summer
- EPA's exceptional events webpage provides additional resources, including example demonstrations for Ozone and PM, and will continue to be updated as new materials become available
 - <https://www.epa.gov/air-quality-analysis/treatment-air-quality-data-influenced-exceptional-events>



ADVANCE

www.epa.gov/advance

- A collaborative program for states, tribes and local governments to achieve ongoing emission reductions in areas designated as attainment/maintenance for ozone or PM_{2.5}
 - 40 current partners with 360+ counties and 45 million population
 - Forum for stakeholder collaboration, monthly info on grants and training opportunities, access to EPA technical assistance
 - Provide annual plan updates to EPA describing relevant programs (e.g., mobile sources, transportation, energy efficiency, renewable energy, stationary, woodsmoke, education)
 - Plans for current partners are on the EPA website
- 12 current partners in WESTAR region
 - CO: Pikes Peak Area Council of Governments (Colorado Springs); ID: Salmon, St. Maries
 - NM: Doña Aña, Eddy, Lea, San Juan counties; OR: Lakeview, Prineville; UT: Uintah Basin
 - There are a significant number of other areas with air quality values that are approaching the level of the ozone and PM_{2.5} NAAQS and may be good candidates for Advance
 - We would be happy to schedule a presentation with your organization
- In OAQPS, management of the Advance program has shifted to the Air Quality Policy Division. Contact Rich Damberg (damberg.rich@epa.gov) for more info.



Provisions Concerning Start-Up, Shutdown and Malfunction (SSM) Events in SIPs

- In 2015 EPA finalized the SSM SIP Action. That action included: (1) a response partially granting and partially denying Sierra Club's petition for a SIP call; (2) updating, restating, and consolidating SSM policy; and, (3) a SIP Call applying that policy and directing several states to revise SSM-related provisions for exemptions and affirmative defenses in their SIPs. Litigation in the D.C. Circuit challenging that action was put in abeyance in April 2017.
- EPA Region 6 announced an alternative interpretation and withdrew the SIP call for Texas with respect to affirmative defense provisions.
 - Final action published in the Federal Register on February 7, 2020
 - On April 7, 2020, a group of environmental and public health organizations led by Sierra Club filed a petition in the D.C. Circuit for review of EPA's action withdrawing the SSM SIP call issued to Texas
- EPA Region 4 announced an alternative interpretation and withdrew the SIP call for North Carolina with respect to automatic and director's discretion exemptions
 - Final action signed by the Regional Administrator on April 2, 2020

Regional Haze Program: Ongoing Work

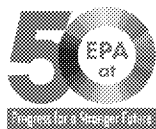
- Moving forward as described in the September 11, 2018, Regional Haze Reform Roadmap and supporting states for the second and future implementation periods:
 - 2018 Technical Guidance on Tracking Visibility Progress (completed December 2018)
 - Guidance on Regional Haze State Implementation Plans for the Second Implementation Period (completed August 2019)
 - 2028 Modeling including estimates of U.S. and international source contributions for Class I Areas (completed September 2019)
- Second planning period SIPs due by July 31, 2021
- EPA remains engaged in SIP development
 - Some states plan to submit in 2019
 - We encourage early engagement on all SIPs
 - Regional Offices are available for questions or preliminary feedback



Permitting Related Updates

Overview

- Review Completed Permit Policy Actions
- Update on Recent/Ongoing Actions
- Website Enhancement/NSR Training
- Permitting Process Improvements



Review of Completed Permit Policy Actions

- Actual-to-Projected Actual Emissions Applicability Memo (12/7/2017)
- Project Emissions Accounting Under NSR Memo (83 FR 13745; 3/13/2018)
- PM_{2.5} and Ozone Significant Impact Level (SIL) Guidance (4/17/18)
- Project Aggregation Reconsideration Final Rule (83 FR 57324; 11/15/18)
- Source Determination Clarifications – “Common Control” Interpretation
 - Meadowbrook 4/30/2018 memo to Pennsylvania DEP
 - Ameresco 10/16/2018 memo to Wisconsin DNR



Update on Recent/Ongoing Actions

- Source Determination Clarification – Adjacent
- Ambient Air Policy
- Project Emissions Accounting Rule
- Tribal NSR Oil & Gas FIP Streamlining Amendment
- NSR Error Corrections
- Plantwide Applicability Limit (PAL) Guidance
- Begin Actual Construction Guidance
- Treatment of Biogenic CO₂ in PSD
- Reasonable Possibility Rule Reconsideration
- Ethanol Production Major Source Rule Reconsideration
- Fugitive Emissions Rule Reconsideration



Source Determination Clarification – Adjacent

- **11/26/2019: Final Guidance issued “Interpreting Adjacent for New Source Review and Title V Source Determinations in All Industries other than Oil and Gas”**
- For all industries other than oil and natural gas production and processing, EPA adopts an interpretation of “adjacent” based on physical proximity only
- The concept of “functional interrelatedness” would not be considered by EPA when determining whether activities are located on adjacent properties



Ambient Air Policy

- **12/10/2019: Final Policy issued “Revised Policy on Exclusions from Ambient Air”**
- Limited change to the way EPA applies regulatory definition of ambient air, *“that portion of the atmosphere, external to buildings, to which the general public has access”* – 40 CFR 50.1(e)
- EPA policy for implementing ambient air for PSD was stated in a 1980 Costle letter, *“the atmosphere over land that is owned or controlled by the source and to which public access is precluded by a fence or other physical barriers”*
- Change replaces specific concept of a fence or other physical barriers with *“measures, which may include physical barriers, that are effective in deterring or precluding access to the land by the general public”*



NSR Rulemakings Underway

- **Project Emissions Accounting Rule**

- Proposed rule revisions (84 FR 39244, 8/9/2019) would clarify that both increases and decreases resulting from a project are to be accounted for under Step 1 of the NSR applicability process
 - Intended to eliminate any uncertainty with the rule language
 - Comment period closed 10/8/2019
- Final Rule expected Fall 2020

- **Tribal NSR Oil & Gas FIP Amendment**

- Proposed Part I Registration Form streamlining amendment 7/15/2019
- Rule would reduce the pre-construction waiting period by up to 30 days by providing for concurrent submissions of Part I Form and ESA/NHPA screening documentation
- Final Rule published on March 19, 2020 (85 FR 15279)

- **NSR Error Corrections Rule**

- Proposed rule (12/20/2019, 84 FR 70092) would correct NSR regulation typos and incorrect citations, and update the regulations to remove vacated elements
- Final Rule expected Spring 2020



NSR Rulemakings Underway (cont.)

- **2008 Fugitive Emissions Rule Reconsideration**

- Final Rule exempted certain source categories from considering fugitive emissions in NSR major modification determinations
- EPA granted an NRDC petition for reconsideration of the Rule and stayed its effectiveness
- Litigation (Newmont Mining and NRDC) held in abeyance
- Currently working on a proposal: to OMB April 2020; signature Summer 2020

- **2007 Ethanol Major Source Rule Reconsideration**

- Final Rule raised the applicability threshold from 100 tpy to 250 tpy for major NSR and title V for certain ethanol production facilities
- EPA granted 2009 petition for reconsideration from NRDC; litigation held in abeyance
- EPA letter to NRDC issued 10/21/2019 partially denying/granting petition
- Region 7 is taking action on several SIPs involving ethanol facilities
- Currently working on a proposal to address partial grant (target proposal date is February 2021)



ACE Rule EGU Hourly Emissions Test

- As part of the ACE proposed rule, EPA proposed to incorporate an hourly emissions test for NSR modification applicability for EGUs
- Hourly test would be a tool for states to implement the ACE rule; adoption would not be mandatory
- NSR rulemaking was severed from June 2019 final ACE rule
- Administration still interested in pursuing action on the NSR hourly emissions test



Treatment of Biogenic CO₂ in Air Permitting

- **Consolidated Appropriations Act** (FY2017-FY2020) outlines how EPA and other agencies are to establish consistent policies regarding the use of forest biomass for energy production, including policies that reflect the carbon-neutrality of forest bioenergy
- April 2018 EPA policy statement: Forthcoming regulatory actions will treat biogenic CO₂ resulting from the combustion of biomass from managed forests at stationary sources for energy production as carbon neutral
- Draft Proposed Rule is currently at OMB for review



NSR Guidance Underway

- **Plantwide Applicability Limit (PAL) Guidance**

- PAL regulations were established as part of 2002 NSR reform
- Guidance addresses elements of the PAL regulations that stakeholders have identified as generating perceived risk/disincentives
- Comment period closed 3/16/2020; Final guidance anticipated –Summer 2020

- **Begin Actual Construction Guidance**

- Sources cannot legally “begin actual construction” of a major source or major modification without first obtaining a major NSR permit
- Guidance explores flexibilities under the existing rule language that would allow certain non-emitting activities to be undertaken prior to obtaining a permit
- Draft guidance memo posted for 45-day comment 3/25/2020; Final guidance anticipated – Fall 2020



Title V Petitions Rule

- EPA published the final **“Revisions to the Petition Provisions of the Title V Permitting Program”** in the Federal Register on February 5, 2020 (85 FR 6431)
 - Effective April 6, 2020
- Three main :
 - How to submit a petition (*where* to send it)
 - Mandatory content for petitions (tell us *what* the problem is, on *which* permit)
 - Requires permitting authorities to respond in writing to significant comments, and provide the response with the proposed permit to EPA for review
 - Permitting authorities determine what is significant
 - We have spelled out how this works with “concurrent” review



Website Enhancements/Training Development

- Website Improvements

- Completed several enhancements to the existing EPA air permitting rule and guidance website
- Organizing guidance documents in NSR and Title V index by topic area
- Phase I enhancements completed November 2019
- Phase 2 including topic page descriptions and document summaries targeted for completion of June 2020

- NSR Training Development

- Received state agency input on recommended NSR training topics
- Currently developing NSR training modules that will be available through the improved permitting website
- Targeted for completion of July 2020

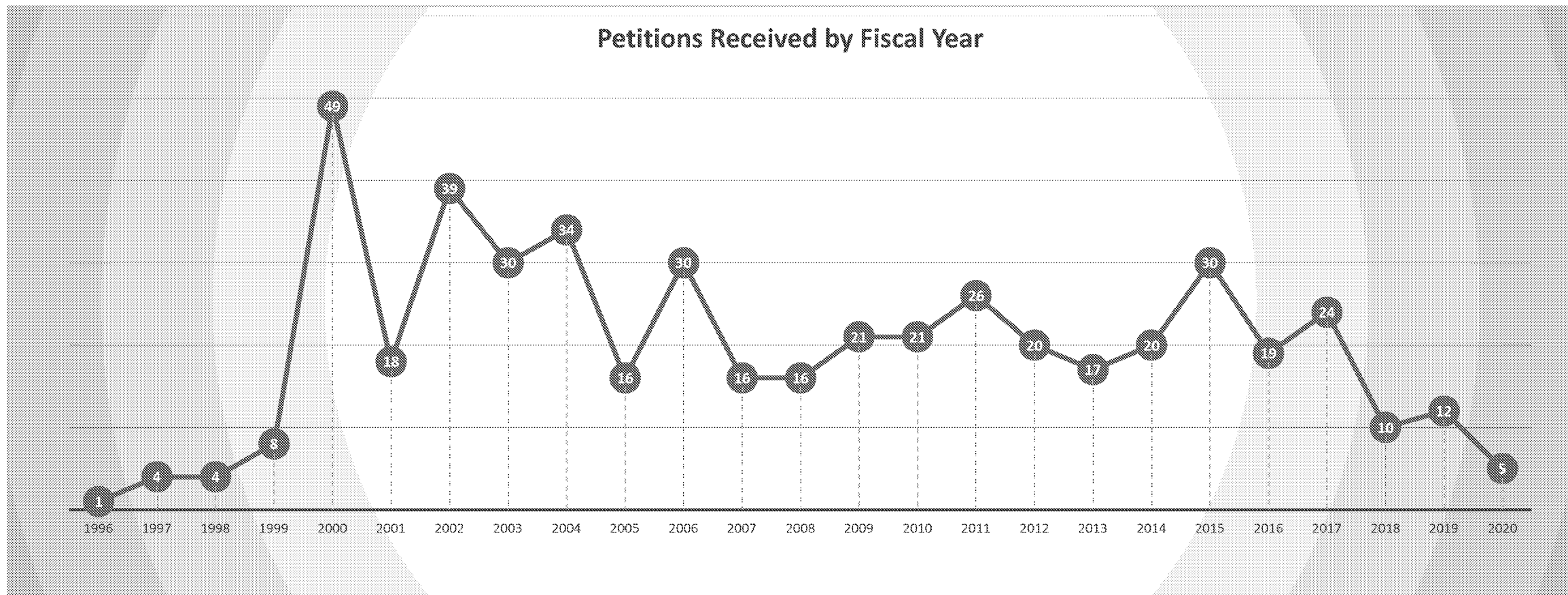


Process Improvements: Electronic Systems

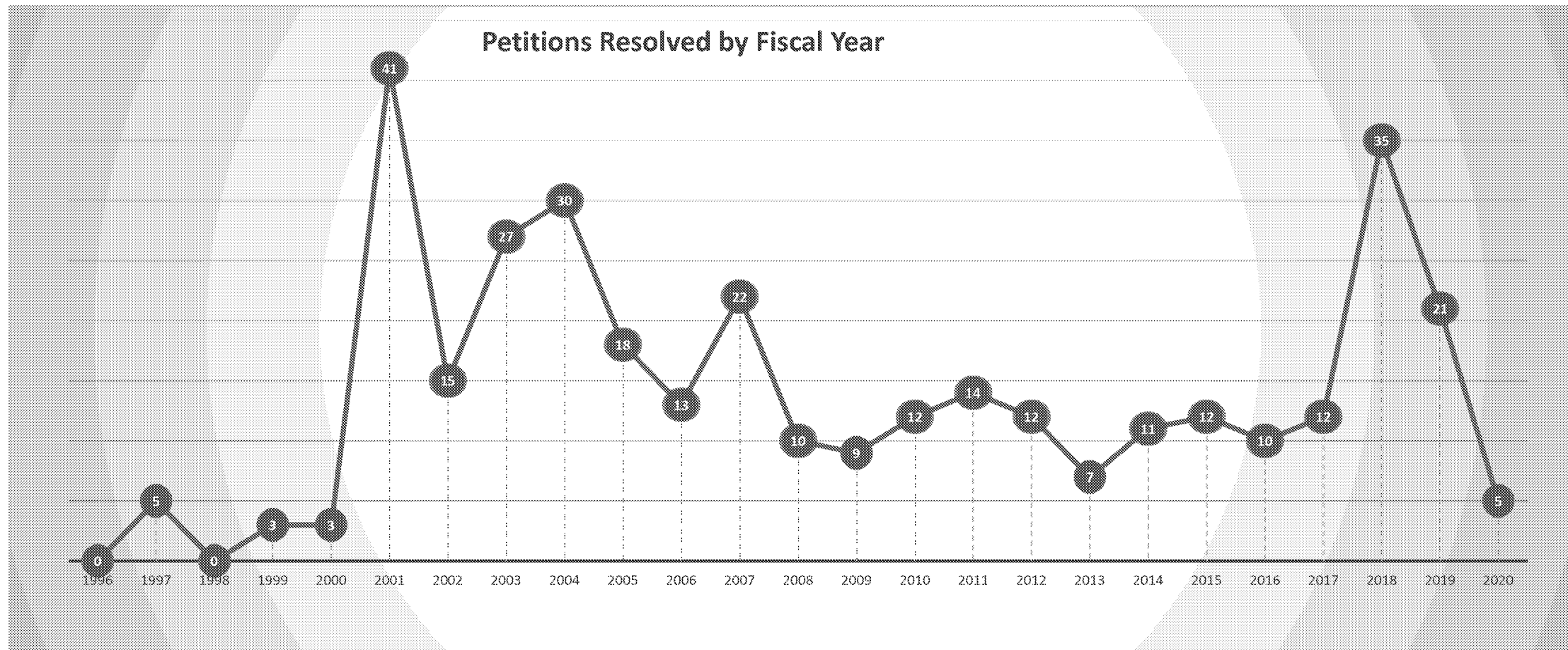
- Central Data Exchange (CDX) for receipt of Title V petitions
 - Target completion date - September 2020
- Electronic Permitting System (EPS)
 - Working with 35 state and local programs to develop system that will allow electronic submittal of state-issued NSR, Title V, and other permits for EPA review
 - Also electronic processing of EPA-issued NSR and title V permits
 - Target for completion – FY-2021
- Replacing and modernizing RACT/BACT/LAER Clearinghouse
 - Target for completion – FY-2021



Title V Petitions Received by Year



Petitions Resolved



Questions and Comments



Appendix

NAAQS Reviews: Status Update

(April 2020)

	Ozone	Lead	Primary NO ₂	Primary SO ₂	Secondary (Ecological) NO ₂ , SO ₂ , PM ¹	PM ²	CO
Last Review Completed (final rule signed)	Oct. 2015	Sept 2016	April 2018	Feb 2019	Mar 2012	Dec 2012	Aug 2011
Recent or Upcoming Major Milestone(s)	<u>Sept 2019</u> Draft ISA ³ <u>Oct 2019</u> Draft PA <u>Early 2020</u> Proposal <u>Late 2020</u> Final	<u>TBD</u> ⁴	<u>TBD</u>	<u>TBD</u>	<u>TBD</u> Final ISA; draft REA/PA	<u>Dec 2019</u> Final ISA <u>Jan 2020</u> Final PA <u>April 2020</u> Proposal <u>Late 2020</u> Final	<u>TBD</u>

Additional information regarding current and previous NAAQS reviews is available at: <http://www.epa.gov/ttn/naaqs/>

¹ Combined secondary (ecological effects only) review of NO₂, SO₂, and PM

² Combined primary and secondary (non-ecological effects) review of PM

³ IRP – Integrated Review Plan; ISA – Integrated Science Assessment; REA – Risk and Exposure Assessment; PA – Policy Assessment

⁴ TBD = To be determined



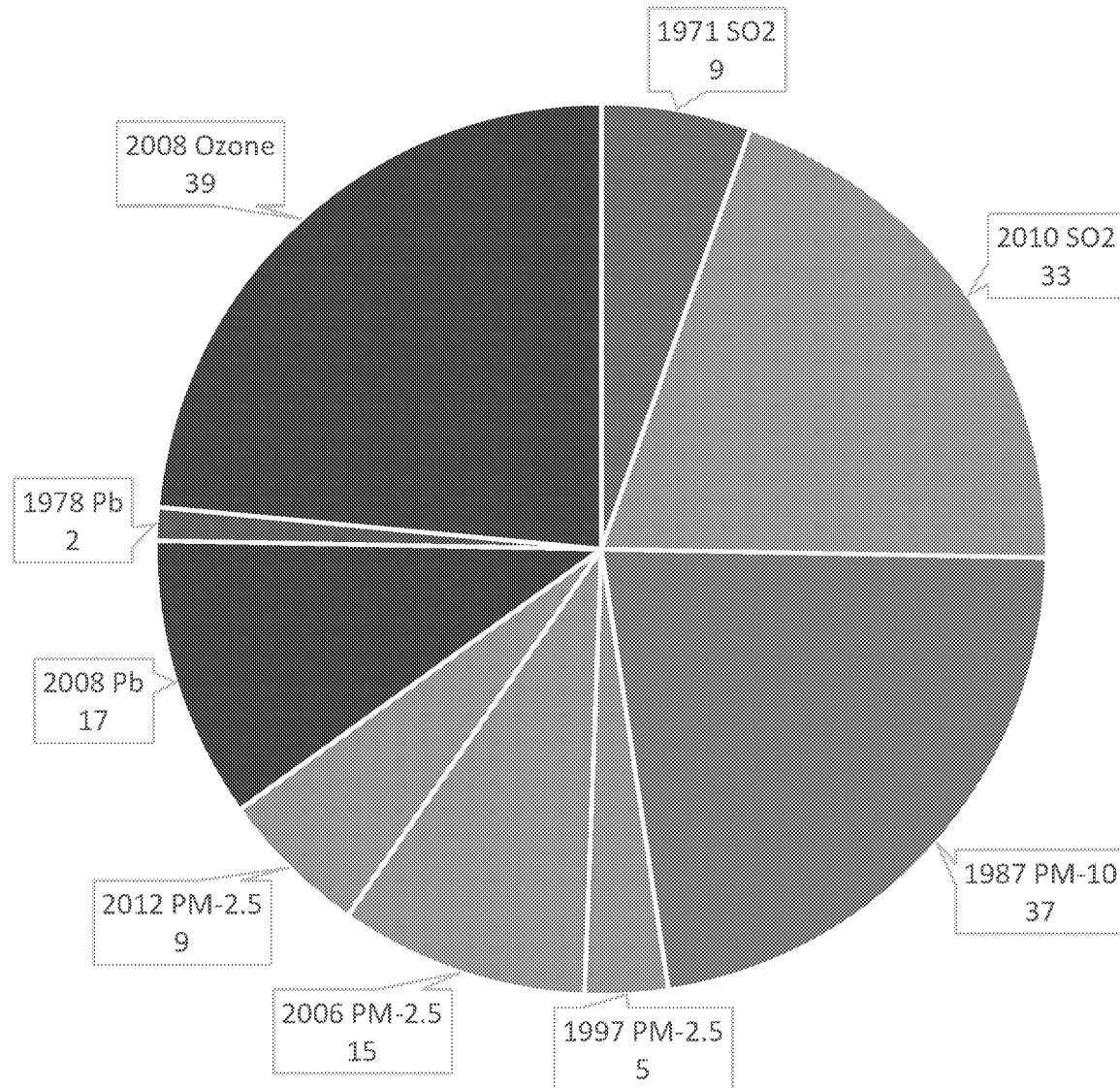
NAAQS Implementation Milestones (February 2020)

Pollutant	Final NAAQS Signature	Nonattainment Designations Effective	Infrastructure SIP Due	Attainment Plans Due	Attainment Date
PM _{2.5} (2006)	Oct 2006	Dec 2009	Oct 2009	Dec 2014	Dec 2015 (Moderate) Dec 2019 (Serious)
Pb (2008)	Oct 2008	Dec 2010-2011	Oct 2011	June 2012-2013	Dec 2015-2019
PM _{2.5} (2012)	Dec 2012	Apr 2015	Dec 2015	Oct 2016 (Moderate)	Dec 2021 (Moderate) Dec 2025 (Serious)
NO ₂ (2010) (primary)	Jan 2010	Feb 2012	Jan 2013	N/A	N/A
SO ₂ (2010) (primary)	June 2010	Oct 2013, Sept 2016, Apr 2018 (early 2021)	June 2013	Apr 2015, Mar 2018, Oct 2019 (mid 2022)	Oct 2018, Sept 2021, Apr 2023 (early 2026)
Ozone (2008)	Mar 2008	July 2012	Mar 2011	July 2015-2016*	July 2021-2032
Ozone (2015)	Oct 2015	Aug 3, 2018 (Sep 24, 2018 for San Antonio, TX)	Oct 2018	Aug 2021-2022	Aug 2021-2038

* January 2017 for areas reclassified from Marginal to Moderate. August 2020 for areas reclassified from Moderate to Serious.



Nonattainment Areas for Non-revoked NAAQS as of October 1, 2017 (166)



EPA Priority Goal: Reduce Number of Nonattainment Areas

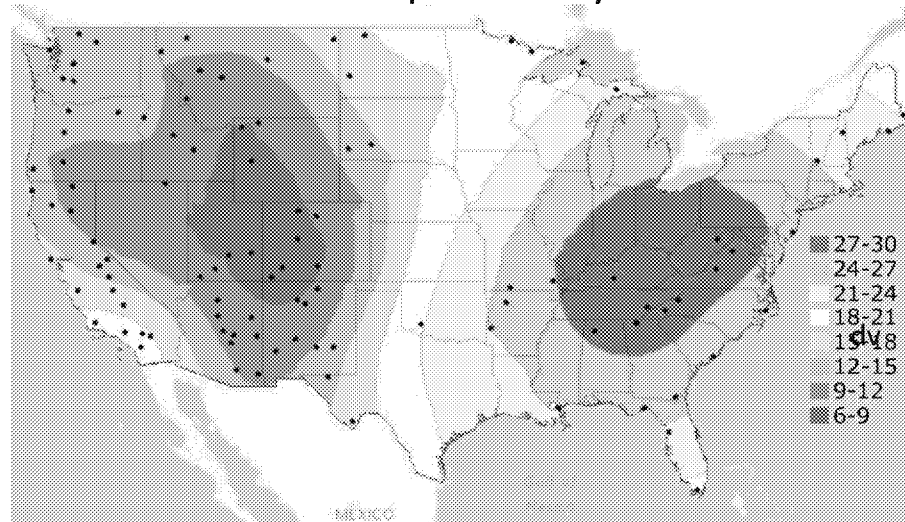
- Work with states to prioritize redesignation request submissions.
- Ensure states have necessary rules, guidance, and tools.
- Improve the efficiency and effectiveness of the SIP/TIP process, including EPA's review process, to maximize timely processing of requested SIP/TIP actions.
- Take federal oversight actions, where necessary.
- For EPA to approve a state's requests to redesignate a nonattainment area, the request must meet the minimum Clean Air Act requirements, which include:
 - A demonstration that the area has air quality that is attaining the NAAQS;
 - Establishing that pollution reductions are due to implementing permanent and enforceable measures;
 - A 10-year maintenance plan that includes contingency measures to be triggered in the event of a re-violation of the NAAQS; and,
 - Satisfying any other applicable and outstanding attainment planning and emissions control requirements.

Regional Haze Program First Planning Period: Visibility is Improving

48

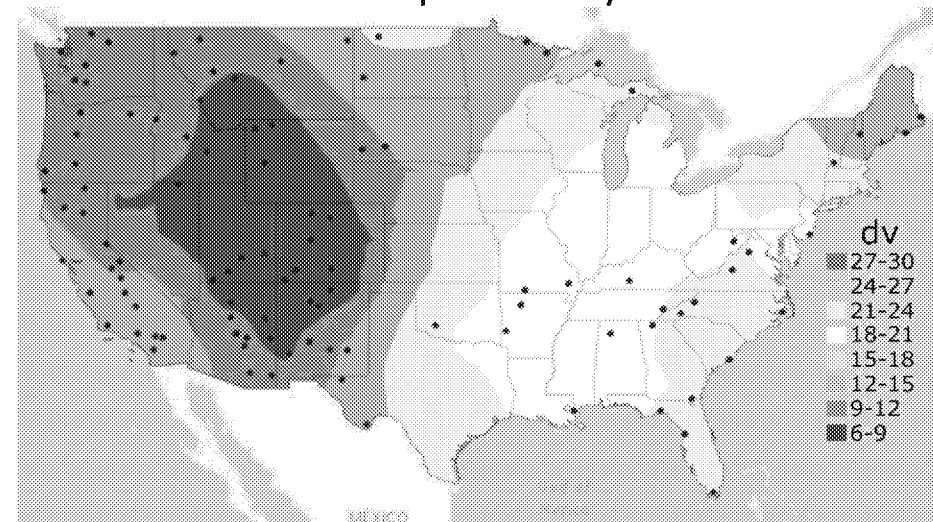
2000-2004

Visibility (dv) on 20% most
impaired days



2013-2017

Visibility (dv) on 20% most
impaired days



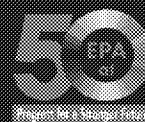
- Between 2000 and 2017, state and Federal emissions control programs, including the 1st implementation period of the Regional Haze Program have reduced total SO₂ emissions by 13.6 million tons per year (-84%) and total NO_x by 11.7 million tons per year (-52%)
- EPA estimates that visibility has improved significantly with the average visual range increased by 20 – 30 miles in Class I areas



NAAQS/SIP, Permitting, & Other Air Quality Planning Updates

Spring 2020

Scott Mathias, Acting Director, Air Quality Policy Division
Office of Air Quality Planning and Standards



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- Exceptional Events
- Startup, Shutdown & Malfunction
- Regional Haze
- Permit Program Updates



EPA Strategic Plan Foundation



Goal 1: A Cleaner, Healthier Environment. Deliver a cleaner, safer and healthier environment for all Americans and future generations by carrying out the agency's core mission.

Goal 2: Provide certainty to states, localities, tribal nations and the regulated community in carrying out shared responsibilities and communicating results to all Americans.

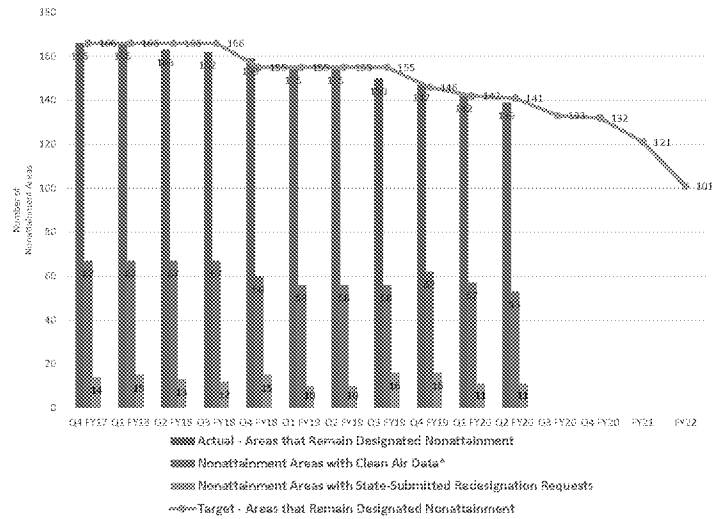
Goal 3: Increase certainty, compliance and effectiveness by applying the rule of law to achieve more efficient and effective agency operations, service delivery and regulatory relief.



Reducing Number of Nonattainment Areas

4

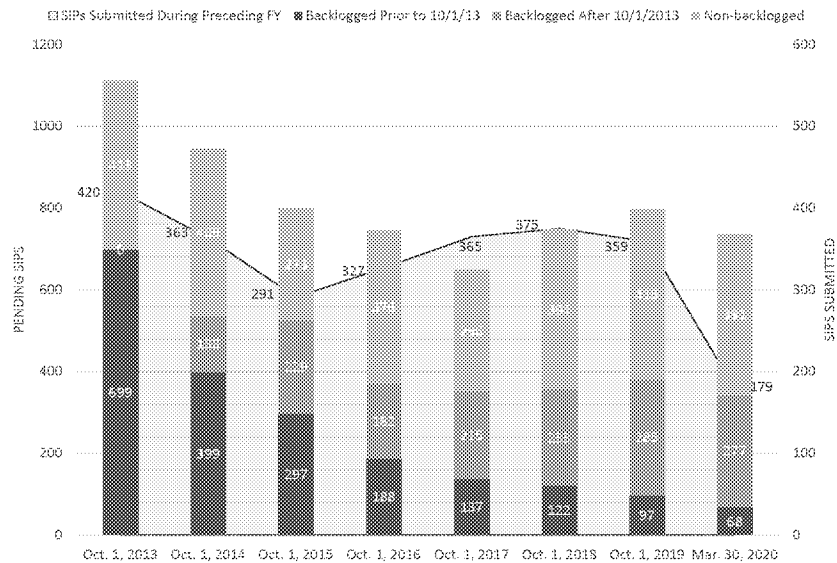
Agency Priority Goal: By September 30, 2022, EPA, in close collaboration with states, will reduce the number of nonattainment areas to 101 from a baseline of 166.



Improving State Implementation Plan Reviews

SIPs Pending EPA Review – 2013 to March 2020

5



WESTAR States SIP Backlog Report

(as of 4/13/2020)

6

Region 10		Region 9	
State	Backlogged SIPs	State	Backlogged SIPs
Alaska	1	Arizona	29
Idaho	3	California	103
Oregon	5	Hawaii	0
Washington	1	Nevada	6
<i>Total</i>	<i>10</i>	<i>Total</i>	<i>138</i>
Region 8		Region 6	
Colorado	4	New Mexico	4
Montana	6	<i>Total</i>	<i>4</i>
North Dakota	4		
South Dakota	1		
Utah	7		
Wyoming	2		
<i>Total</i>	<i>24</i>		

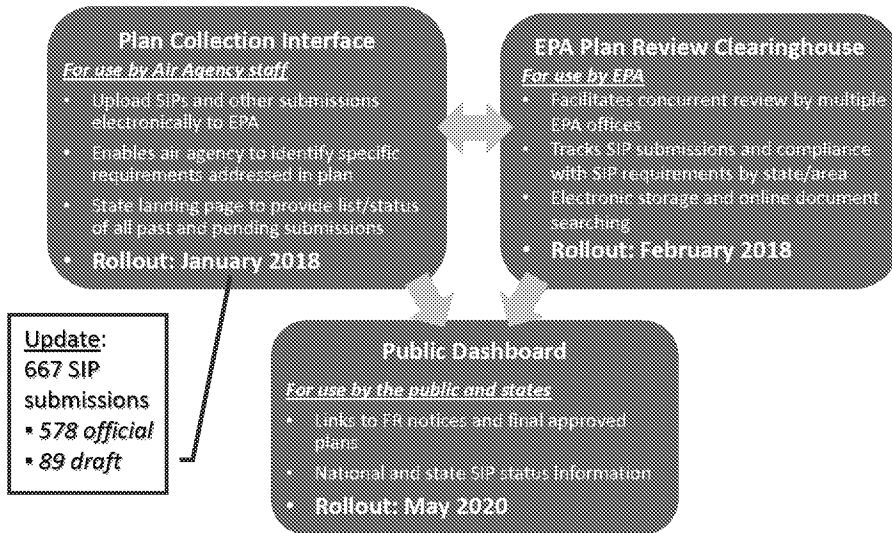


SIP Process Improvements

- Early engagement during SIP development
- SIP Lean Toolkit - <https://www.epa.gov/air-quality-implementation-plans/state-implementation-plan-sip-lean-toolkit-collaboration-between>
- Ongoing activities:
 - Undertaking backlog reduction techniques for the most difficult SIPs including withdrawal and disapproval (letters sent in late 2019 followed by 1:1 conversations with states)
 - Updates to www.epa.gov/sips
 - State Plan Electronic Collaboration System (SPeCS) development



State Plan Electronic Collaboration System (SPeCS) for SIPs



Pollutant-Specific Implementation Updates

Ozone, SO₂, PM_{2.5}, Pb

2015 Ozone NAAQS Implementation Update

10

- 52 areas initially designated nonattainment:

- 51 areas (excluding San Antonio) effective August 3, 2018 (83 FR 25776; 6/04/18)
- San Antonio, Texas area effective September 24, 2018 (83 FR 35136; 7/25/18)

Classification	Number of Areas	Attainment Deadline (years)	Attainment Date
Marginal	39	3	August 3, 2021* (2018-2020 DV)
Moderate	5	6	August 3, 2024
Serious	2	9	August 3, 2027
Severe-15	2	15	August 3, 2033
Extreme	2	20	August 3, 2038
Rural Transport (Marginal)	2	N/A	---
TOTAL	52		

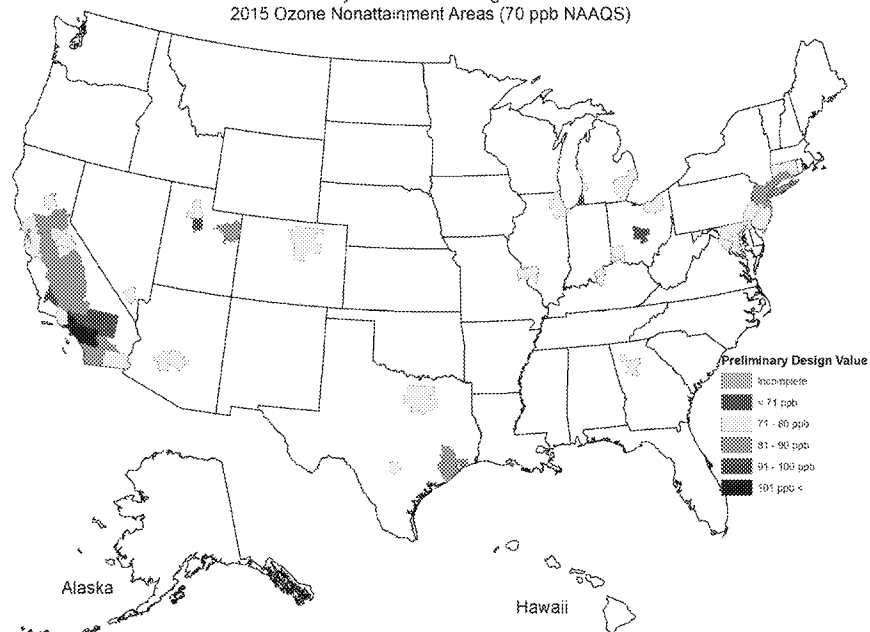
* Sep 24, 2021 for San Antonio, TX area

- Columbus, OH area redesignated to attainment (84 FR 43508; 8/21/19); redesignation proposals for Door County, WI and Berrien County, MI areas anticipated Spring 2020
- Initial SIP submittals (emissions inv./statements) due August 3, 2020



Preliminary 2017 - 2019 Design Values for
2015 Ozone Nonattainment Areas (70 ppb NAAQS)

11



2015 Ozone NAAQS Implementation Update (cont.)

- Infrastructure SIP update
 - SIPs were due October 1, 2018
 - As of April 2020, EPA has received 39 full submittals and 9 partial submittals
- Litigation on 2015 Ozone NAAQS SIP Requirements Rule
 - Final rule published December 6, 2018 (83 FR 62998)
 - Petitioners' brief filed July 22, 2019:
 - NNSR interprecursor trading
 - RFP requirements: milestone compliance demonstrations
 - RFP requirements: alternative baseline year
 - Early implemented contingency measures
 - Oral arguments Fall 2020 earliest



2015 Ozone NAAQS Interstate Transport

- EPA is actively reviewing submitted 2015 ozone NAAQS transport SIPs
 - Received 46 of 56 states/jurisdictions
 - Finalized approval action on 5 SIP submissions
 - Proposed approval on an additional 13 submissions
- Findings of Failure to Submit (FFS) outstanding interstate transport SIPs that were due October 1, 2018
 - On November 22, 2019, EPA issued an FFS finding that 7 states failed to submit interstate transport SIPs for the 2015 ozone NAAQS.
 - 2 states have since submitted



2008 Ozone NAAQS Implementation Update

- Moderate Area Update

- Moderate area Determinations of Attainment by the Attainment Date (DAAD) published August 23, 2019 (84 FR 44238), effective September 23, 2019
- Separate related final actions for Phoenix, AZ; Denver, CO; and Imperial County, CA
- DAAD action established new SIP submittal and RACT implementation deadlines for newly-reclassified Serious areas
- Redesignation proposals for Inland and Shoreline Sheboygan County, WI areas and Chicago-Naperville, IL-IN-WI area anticipated Spring 2020

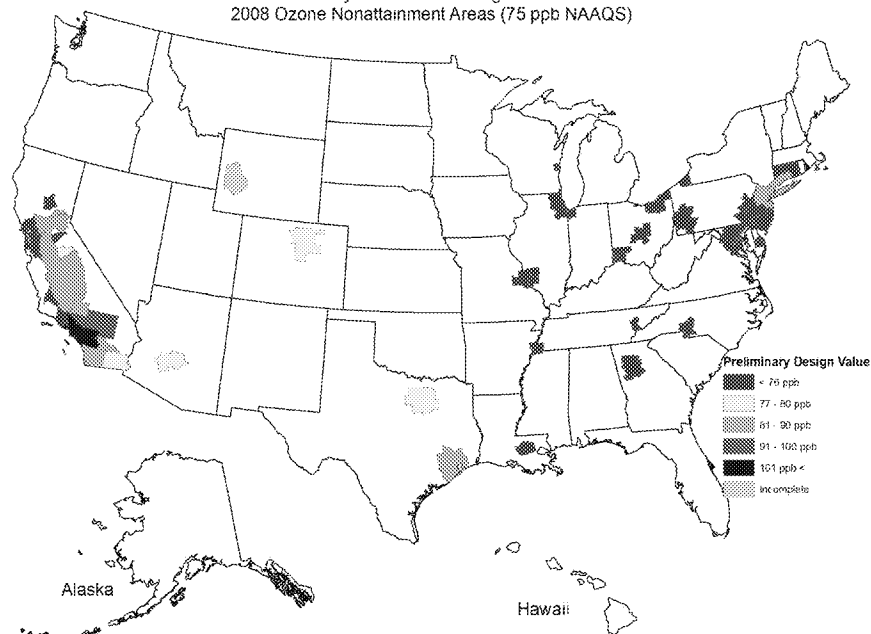
- 2008 Ozone NAAQS Interstate Transport

- **CSAPR Update** – September 13, 2019, D.C. Circuit decision on *Wisconsin v. EPA* ruled for EPA on a number of issues but concluded that EPA's interpretation of the Good Neighbor Provision was unreasonable with regard to the timing of upwind emissions reductions. The court remanded the CSAPR Update without vacatur. EPA is currently reviewing the decision and discussing options.
- **CSAPR Closeout** – October 1, 2019, D.C. Circuit decision on *New York v. EPA*, was to vacate and remand the CSAPR Close-Out because it did not address states good neighbor obligations with respect to the next applicable attainment date in 2021.



Preliminary 2017 - 2019 Design Values for
2008 Ozone Nonattainment Areas (75 ppb NAAQS)

13



1997 Ozone NAAQS Implementation Update

- * The February 2018 South Coast II ruling upheld EPA's general authority to revoke a prior NAAQS with adequate antibacksliding protections ("controls") but reversed several key antibacksliding approaches for the revoked 1997 ozone NAAQS, including:
 - ◊ not reclassifying areas upon failure to timely attain;
 - ◊ "redesignation substitute" mechanisms to terminate antibacksliding controls; and
 - ◊ excusing 2nd 10-year maintenance plan obligation for "orphan maintenance areas"
- * The ruling held that to remove antibacksliding requirements, areas that were designated nonattainment for the 1997 NAAQS at time of revocation needed to meet all redesignation requirements under CAA section 107(d)(3). Region 6 finalized new redesignation actions:
 - ◊ Houston-Galveston-Brazoria, TX area (85 FR 8411; 2/14/20)
 - ◊ Dallas-Fort Worth, TX area (85 FR 19096; 4/06/20)
- * We are also updating 40 CFR part 52 to reflect certain nonattainment areas that previously attained the 1997 NAAQS by their respective attainment dates (direct final rule anticipated mid-2020).



2010 SO₂ NAAQS Implementation Update

- Round 1 nonattainment areas:
 - EPA has approved attainment plans for 18 areas (out of 29); one area has a CDD
 - EPA is under consent decree to take final action on submitted plans for 1 area by April 30, 2020 and for 8 other areas by October 30, 2020
 - Regional Offices are working with HQ and states on addressing approvability issues for all remaining attainment plans and acting quickly on redesignation requests
- Round 2 nonattainment areas:
 - EPA issued Findings of Failure to Submit attainment plans for two areas in a FR notice dated September 20, 2019, with an effective date of October 21, 2019
 - Attainment plans were due March 12, 2018
- Round 3 nonattainment areas:
 - Attainment plans were due October 9, 2019
- Interstate transport:
 - EPA continues to make good progress approving submitted SO₂ interstate transport SIPs and continues to work with states to submit approvable SIPs addressing the good neighbor provision.



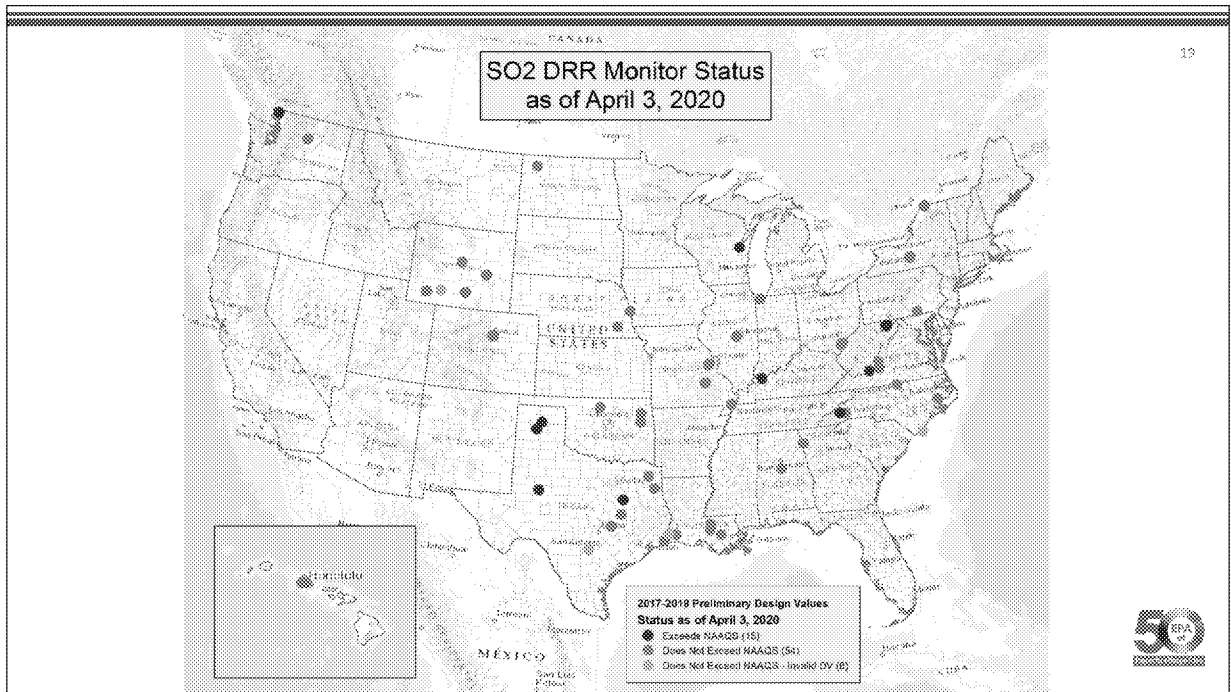
Round 4 SO₂ NAAQS Area Designations

- EPA must designate all remaining portions of the U.S. by December 31, 2020.
- Round 4 Process Guidance Memo issued September 5, 2019.
- The next major milestones are on May 1, 2020.

Milestones	Date
States and tribes certify 2019 SO ₂ monitoring data	No later than May 1, 2020
States and tribes may submit updated recommendations and supporting information for area designations to EPA*	No later than May 1, 2020
States submit exceptional events demonstrations for event-influenced SO ₂ monitoring data from 2017-2019	No later than May 1, 2020
EPA notifies states and tribes concerning any intended modifications to their recommendations (120-day letters)	On or about August 13, 2020
EPA publishes public notice of state and tribal recommendations and EPA's intended modifications, initiating a 30-day public comment period	On or about August 26, 2020 (No later than 130 days prior to final designations)
End of 30-day public comment period	On or about September 25, 2020
In response to EPA's intended designations, states and tribes submit additional information, if desired, to demonstrate why EPA's proposed modification in the 120-day letter to the state's recommended designation or boundary is inappropriate	No later than October 16, 2020
EPA signs notice promulgating final SO ₂ area designations for Round 4	On or about December 17, 2020 (No later than December 31, 2020)

* For any remaining undesignated area (i.e., those areas that installed and began operating EPA-approved SO₂ monitoring networks pursuant to the DRR and that have not been previously designated)





Progress on PM_{2.5} NAAQS Attainment

(as of March 31, 2020)

	1997 PM _{2.5} (2005 Designations)	2006 PM _{2.5} (2009 Designations)	2012 PM _{2.5} (2015 Designations)
Initial Nonattainment Areas	39	32	9
Areas Redesignated to Attainment	35	18	3
Current Nonattainment Areas	4	14	6
Attainment Deadlines	Serious 11/2021	Serious 12/2019	Moderate 12/2021



PM_{2.5} NAAQS Implementation: 2019 Actions

NAAQS	DATE	STATE	AREA	ACTION
1997	5/28/2019	IL	St. Louis	Final Redesignation
2006	4/10/2019	UT	Provo (Serious)	Final Clean Data Determination
2006	9/29/2019	UT	Salt Lake City (Serious)	Final Clean Data Determination
2006	10/03/2019	AZ	West Central Pinal	Final DAAD
2012	4/12/2019	OH	Cleveland	Final Redesignation
2012	9/30/2019	PA	Lebanon County	Final Redesignation
2012	9/30/2019	PA	Delaware County	Final Redesignation



Lead (Pb) NAAQS Implementation Update

- Of the 22 areas designated nonattainment for the 2008 Pb NAAQS, 11 have been redesignated to attainment
- All areas have fulfilled attainment planning requirements
- Current focus:
 - Remaining redesignations
 - Monitor removal issues



Exceptional Events Update

- EPA has concurred on 34 state demonstrations that were submitted since EPA revised the Exceptional Events Rule in September 2016
- Guidance documents to help right-size demonstrations and facilitate the exceptional events process:
 - Stratospheric Ozone Intrusion Guidance – Released November 2018
 - Updated High Wind Dust Event Guidance – Released April 4, 2019
 - Clarification Memo on Data Modification – Released April 4, 2019
 - Prescribed Fire Guidance – Released August 9, 2019
- SPeCS for Exceptional Events is under development and expected to be deployed this summer
- EPA's exceptional events webpage provides additional resources, including example demonstrations for Ozone and PM, and will continue to be updated as new materials become available
 - <https://www.epa.gov/air-quality-analysis/treatment-air-quality-data-influenced-exceptional-events>



ADVANCE

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www.epa.gov/advance

- A collaborative program for states, tribes and local governments to achieve ongoing emission reductions in areas designated as attainment/maintenance for ozone or PM_{2.5}
 - 40 current partners with 360+ counties and 45 million population
 - Forum for stakeholder collaboration, monthly info on grants and training opportunities, access to EPA technical assistance
 - Provide annual plan updates to EPA describing relevant programs (e.g., mobile sources, transportation, energy efficiency, renewable energy, stationary, woodsmoke, education)
 - Plans for current partners are on the EPA website
- 12 current partners in WESTAR region
 - CO: Pikes Peak Area Council of Governments (Colorado Springs); ID: Salmon, St. Maries
 - NM: Doña Aña, Eddy, Lea, San Juan counties; OR: Lakeview, Prineville; UT: Uintah Basin
 - There are a significant number of other areas with air quality values that are approaching the level of the ozone and PM_{2.5} NAAQS and may be good candidates for Advance
 - We would be happy to schedule a presentation with your organization
- In OAQPS, management of the Advance program has shifted to the Air Quality Policy Division. Contact Rich Damberg (damberg.rich@epa.gov) for more info.



Provisions Concerning Start-Up, Shutdown and Malfunction (SSM) Events in SIPs

- In 2015 EPA finalized the SSM SIP Action. That action included: (1) a response partially granting and partially denying Sierra Club's petition for a SIP call; (2) updating, restating, and consolidating SSM policy; and, (3) a SIP Call applying that policy and directing several states to revise SSM-related provisions for exemptions and affirmative defenses in their SIPs. Litigation in the D.C. Circuit challenging that action was put in abeyance in April 2017.
- EPA Region 6 announced an alternative interpretation and withdrew the SIP call for Texas with respect to affirmative defense provisions.
 - Final action published in the Federal Register on February 7, 2020
 - On April 7, 2020, a group of environmental and public health organizations led by Sierra Club filed a petition in the D.C. Circuit for review of EPA's action withdrawing the SSM SIP call issued to Texas
- EPA Region 4 announced an alternative interpretation and withdrew the SIP call for North Carolina with respect to automatic and director's discretion exemptions
 - Final action signed by the Regional Administrator on April 2, 2020



Regional Haze Program: Ongoing Work

- Moving forward as described in the September 11, 2018, Regional Haze Reform Roadmap and supporting states for the second and future implementation periods:
 - 2018 Technical Guidance on Tracking Visibility Progress (completed December 2018)
 - Guidance on Regional Haze State Implementation Plans for the Second Implementation Period (completed August 2019)
 - 2028 Modeling including estimates of U.S. and international source contributions for Class I Areas (completed September 2019)
- Second planning period SIPs due by July 31, 2021
- EPA remains engaged in SIP development
 - Some states plan to submit in 2019
 - We encourage early engagement on all SIPs
 - Regional Offices are available for questions or preliminary feedback



Permitting Related Updates

Overview

- Review Completed Permit Policy Actions
- Update on Recent/Ongoing Actions
- Website Enhancement/NSR Training
- Permitting Process Improvements



Review of Completed Permit Policy Actions

- Actual-to-Projected Actual Emissions Applicability Memo (12/7/2017)
- Project Emissions Accounting Under NSR Memo (83 FR 13745; 3/13/2018)
- PM_{2.5} and Ozone Significant Impact Level (SIL) Guidance (4/17/18)
- Project Aggregation Reconsideration Final Rule (83 FR 57324; 11/15/18)
- Source Determination Clarifications – “Common Control” Interpretation
 - Meadowbrook 4/30/2018 memo to Pennsylvania DEP
 - Ameresco 10/16/2018 memo to Wisconsin DNR



Update on Recent/Ongoing Actions

- Source Determination Clarification – Adjacent
- Ambient Air Policy
- Project Emissions Accounting Rule
- Tribal NSR Oil & Gas FIP Streamlining Amendment
- NSR Error Corrections
- Plantwide Applicability Limit (PAL) Guidance
- Begin Actual Construction Guidance
- Treatment of Biogenic CO₂ in PSD
- Reasonable Possibility Rule Reconsideration
- Ethanol Production Major Source Rule Reconsideration
- Fugitive Emissions Rule Reconsideration



Source Determination Clarification – Adjacent

- **11/26/2019: Final Guidance issued “Interpreting Adjacent for New Source Review and Title V Source Determinations in All Industries other than Oil and Gas”**
- For all industries other than oil and natural gas production and processing, EPA adopts an interpretation of “adjacent” based on physical proximity only
- The concept of “functional interrelatedness” would not be considered by EPA when determining whether activities are located on adjacent properties



Ambient Air Policy

- ♦ **12/10/2019: Final Policy issued “Revised Policy on Exclusions from Ambient Air”**
- ♦ Limited change to the way EPA applies regulatory definition of ambient air, *“that portion of the atmosphere, external to buildings, to which the general public has access”* – 40 CFR 50.1(e)
- ♦ EPA policy for implementing ambient air for PSD was stated in a 1980 Costle letter, *“the atmosphere over land that is owned or controlled by the source and to which public access is precluded by a fence or other physical barriers”*
- ♦ Change replaces specific concept of a fence or other physical barriers with *“measures, which may include physical barriers, that are effective in deterring or precluding access to the land by the general public”*



NSR Rulemakings Underway

- **Project Emissions Accounting Rule**

- ◊ Proposed rule revisions (84 FR 39244, 8/9/2019) would clarify that both increases and decreases resulting from a project are to be accounted for under Step 1 of the NSR applicability process
 - ◊ Intended to eliminate any uncertainty with the rule language
 - ◊ Comment period closed 10/8/2019
- ◊ Final Rule expected Fall 2020

- **Tribal NSR Oil & Gas FIP Amendment**

- ◊ Proposed Part I Registration Form streamlining amendment 7/15/2019
- ◊ Rule would reduce the pre-construction waiting period by up to 30 days by providing for concurrent submissions of Part I Form and ESA/NHPA screening documentation
- ◊ Final Rule published on March 19, 2020 (85 FR 15279)

- **NSR Error Corrections Rule**

- ◊ Proposed rule (12/20/2019, 84 FR 70092) would correct NSR regulation typos and incorrect citations, and update the regulations to remove vacated elements
- ◊ Final Rule expected Spring 2020



NSR Rulemakings Underway (cont.)

• **2008 Fugitive Emissions Rule Reconsideration**

- ◊ Final Rule exempted certain source categories from considering fugitive emissions in NSR major modification determinations
- ◊ EPA granted an NRDC petition for reconsideration of the Rule and stayed its effectiveness
- ◊ Litigation (Newmont Mining and NRDC) held in abeyance
- ◊ Currently working on a proposal: to OMB April 2020; signature Summer 2020

• **2007 Ethanol Major Source Rule Reconsideration**

- ◊ Final Rule raised the applicability threshold from 100 tpy to 250 tpy for major NSR and title V for certain ethanol production facilities
- ◊ EPA granted 2009 petition for reconsideration from NRDC; litigation held in abeyance
- ◊ EPA letter to NRDC issued 10/21/2019 partially denying/granting petition
- ◊ Region 7 is taking action on several SIPs involving ethanol facilities
- ◊ Currently working on a proposal to address partial grant (target proposal date is February 2021)



ACE Rule EGU Hourly Emissions Test

- As part of the ACE proposed rule, EPA proposed to incorporate an hourly emissions test for NSR modification applicability for EGUs
- Hourly test would be a tool for states to implement the ACE rule; adoption would not be mandatory
- NSR rulemaking was severed from June 2019 final ACE rule
- Administration still interested in pursuing action on the NSR hourly emissions test



Treatment of Biogenic CO₂ in Air Permitting

- **Consolidated Appropriations Act** (FY2017-FY2020) outlines how EPA and other agencies are to establish consistent policies regarding the use of forest biomass for energy production, including policies that reflect the carbon-neutrality of forest bioenergy
- April 2018 EPA policy statement: Forthcoming regulatory actions will treat biogenic CO₂ resulting from the combustion of biomass from managed forests at stationary sources for energy production as carbon neutral
- Draft Proposed Rule is currently at OMB for review



NSR Guidance Underway

♦ **Plantwide Applicability Limit (PAL) Guidance**

- ♦ PAL regulations were established as part of 2002 NSR reform
- ♦ Guidance addresses elements of the PAL regulations that stakeholders have identified as generating perceived risk/disincentives
- ♦ Comment period closed 3/16/2020; Final guidance anticipated –Summer 2020

♦ **Begin Actual Construction Guidance**

- ♦ Sources cannot legally “begin actual construction” of a major source or major modification without first obtaining a major NSR permit
- ♦ Guidance explores flexibilities under the existing rule language that would allow certain non-emitting activities to be undertaken prior to obtaining a permit
- ♦ Draft guidance memo posted for 45-day comment 3/25/2020; Final guidance anticipated – Fall 2020



Title V Petitions Rule

- EPA published the final **“Revisions to the Petition Provisions of the Title V Permitting Program”** in the Federal Register on February 5, 2020 (85 FR 6431)
 - Effective April 6, 2020
- Three main :
 - How to submit a petition (*where* to send it)
 - Mandatory content for petitions (tell us *what* the problem is, on *which* permit)
 - Requires permitting authorities to respond in writing to significant comments, and provide the response with the proposed permit to EPA for review
 - Permitting authorities determine what is significant
 - We have spelled out how this works with “concurrent” review



Website Enhancements/Training Development

- **Website Improvements**

- ✦ Completed several enhancements to the existing EPA air permitting rule and guidance website
- ✦ Organizing guidance documents in NSR and Title V index by topic area
- ✦ Phase I enhancements completed November 2019
- ✦ Phase 2 including topic page descriptions and document summaries targeted for completion of June 2020

- **NSR Training Development**

- ✦ Received state agency input on recommended NSR training topics
- ✦ Currently developing NSR training modules that will be available through the improved permitting website
- ✦ Targeted for completion of July 2020

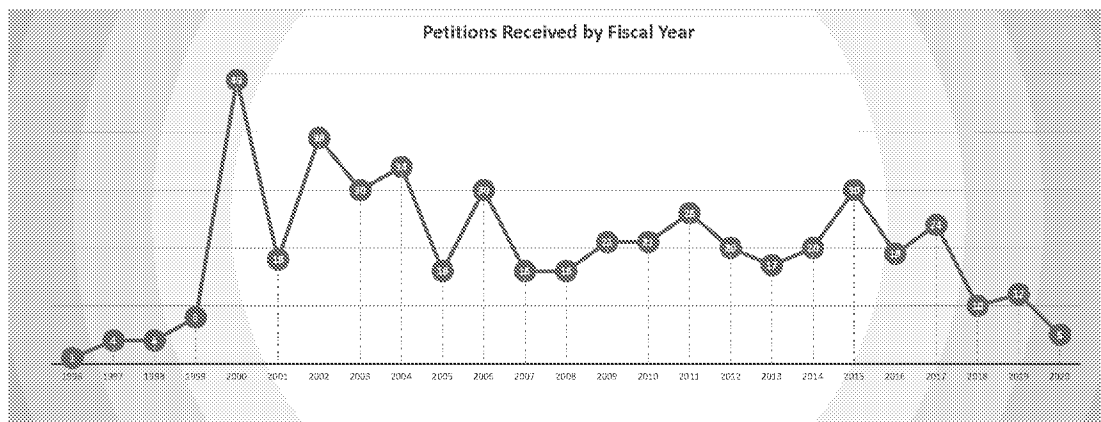


Process Improvements: Electronic Systems

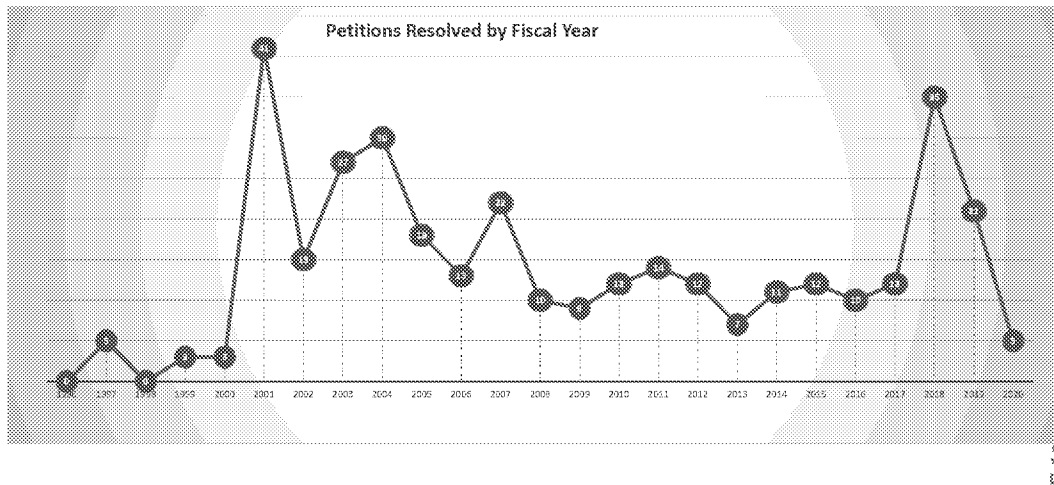
- Central Data Exchange (CDX) for receipt of Title V petitions
 - Target completion date - September 2020
- Electronic Permitting System (EPS)
 - Working with 35 state and local programs to develop system that will allow electronic submittal of state-issued NSR, Title V, and other permits for EPA review
 - Also electronic processing of EPA-issued NSR and title V permits
 - Target for completion – FY-2021
- Replacing and modernizing RACT/BACT/LAER Clearinghouse
 - Target for completion – FY-2021



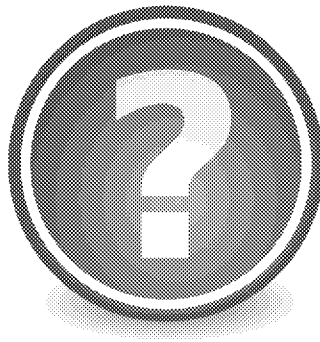
Title V Petitions Received by Year



Petitions Resolved



Questions and Comments



Appendix

NAAQS Reviews: Status Update

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(April 2020)

	Date	Lead	Primary NO _x	Primary SO ₂	Secondary (Ecological) NO _x , SO ₂ , PM	PM ²	CO
Last Review Completed (final rule signed)	Oct. 2015	Sept 2016	April 2016	Feb 2019	Mar 2012	Dec 2012	Aug 2011
Recent or Upcoming Major Milestone(s)	<u>Sept 2019</u> Draft ISA ¹ <u>Oct 2019</u> Draft PA <u>Early 2020</u> Proposal <u>Late 2020</u> Final	<u>TBD</u> ⁴	<u>TBD</u>	<u>TBD</u>	TBD Final ISA; draft REA/PA	<u>Dec 2019</u> Final ISA <u>Jan 2020</u> Final PA <u>April 2020</u> Proposal <u>Late 2020</u> Final	<u>TBD</u>

Additional information regarding current and previous NAAQS reviews is available at: <http://www.epa.gov/n/naaqs/>

¹ Combined secondary (ecological effects only) review of NO_x, SO₂, and PM

² Combined primary and secondary (non-ecological effects) review of PM

³ IRP – Integrated Review Plan; ISA – Integrated Science Assessment; REA – Risk and Exposure Assessment; PA – Policy Assessment

⁴ TBD = To be determined



NAAQS Implementation Milestones (February 2020)

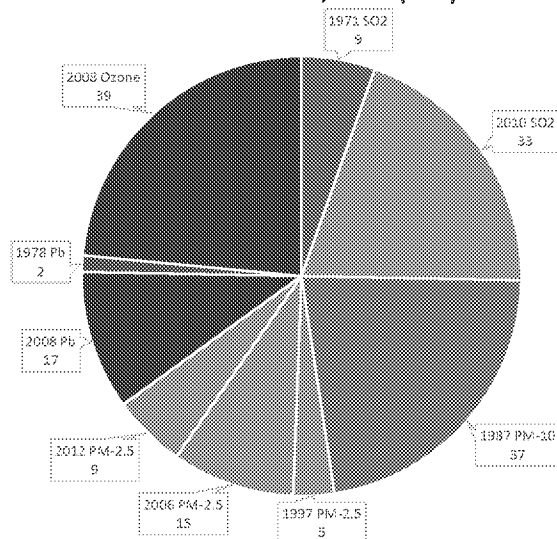
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Pollutant	Final NAAQS Signature	Nonattainment Designations Effective	Infrastructure SIP Due	Attainment Plans Due	Attainment Date
PM _{2.5} (2006)	Oct 2006	Dec 2009	Oct 2009	Dec 2014	Dec 2015 (Moderate) Dec 2019 (Serious)
Pb (2008)	Oct 2008	Dec 2010-2011	Oct 2011	June 2012-2013	Dec 2015-2019
PM _{2.5} (2012)	Dec 2012	Apr 2015	Dec 2015	Oct 2015 (Moderate)	Dec 2021 (Moderate) Dec 2025 (Serious)
NO _x (2010) (primary)	Jan 2010	Feb 2012	Jan 2013	N/A	N/A
SO ₂ (2010) (primary)	June 2010	Oct 2013, Sept 2016, Apr 2018 (early 2021)	June 2013	Apr 2015, Mar 2018, Oct 2019 (mid 2022)	Oct 2018, Sept 2021, Apr 2023 (early 2026)
Ozone (2005)	Mar 2008	July 2012	Mar 2011	July 2015-2016*	July 2021-2032
Ozone (2015)	Oct 2015	Aug 3, 2018 (Sep 24, 2018 for San Antonio, TX)	Oct 2018	Aug 2021-2022	Aug 2021-2038

* January 2017 for areas reclassified from Marginal to Moderate. August 2020 for areas reclassified from Moderate to Serious.



Nonattainment Areas for Non-revoked NAAQS as of October 1, 2017 (166)

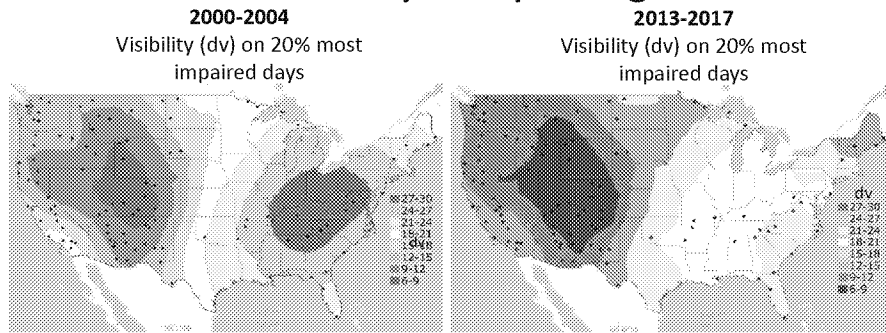


EPA Priority Goal: Reduce Number of Nonattainment Areas

- Work with states to prioritize redesignation request submissions.
- Ensure states have necessary rules, guidance, and tools.
- Improve the efficiency and effectiveness of the SIP/TIP process, including EPA's review process, to maximize timely processing of requested SIP/TIP actions.
- Take federal oversight actions, where necessary.
- For EPA to approve a state's requests to redesignate a nonattainment area, the request must meet the minimum Clean Air Act requirements, which include:
 - A demonstration that the area has air quality that is attaining the NAAQS;
 - Establishing that pollution reductions are due to implementing permanent and enforceable measures;
 - A 10-year maintenance plan that includes contingency measures to be triggered in the event of a re-violation of the NAAQS; and,
 - Satisfying any other applicable and outstanding attainment planning and emissions control requirements.

Regional Haze Program First Planning Period: Visibility is Improving

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- Between 2000 and 2017, state and Federal emissions control programs, including the 1st implementation period of the Regional Haze Program have reduced total SO₂ emissions by 13.6 million tons per year (-84%) and total NO_x by 11.7 million tons per year (-52%)
- EPA estimates that visibility has improved significantly with the average visual range increased by 20 – 30 miles in Class I areas



Message

Sent: 4/15/2020 4:31:49 PM
To: cmiller@ajw-inc.com
Subject: RE: biogenic carbon

Chris-

Thank you for your note. The Agency is working on a proposed rule related to biogenic CO2 emissions ("Treatment of Biogenic CO2 Emissions Under the Clean Air Act Permitting Programs"). The biogenic CO2 rule was accepted by OMB's Office for Information and Regulatory Affairs (OIRA) for interagency review on February 24th. A copy of the proposed rule will be made publicly available after it has been cleared by OIRA and signed by the EPA Administrator. All information considered by the Agency in developing the proposed rule, including any technical studies relied upon, will be included in the publicly available regulatory docket for the rulemaking. Thank you.

Respectfully,
Sarah

Sarah Baker
Environmental Protection Specialist
Air Quality Policy Division, Operating Permits Group
U.S. EPA, Office of Air Quality Planning and Standards
(919) 541-4846 / baker.sarah@epa.gov

From: cmiller@ajw-inc.com <cmiller@ajw-inc.com>
Sent: Wednesday, April 15, 2020 11:44 AM
To: Baker, Sarah <baker.sarah@epa.gov>
Subject: biogenic carbon

Hi Sarah - my client, the Plant Based Products Council/the Corn Refiners Association, asked me to get some information regarding a statement that AA Idsal made during a recent conference call. The client told me that you were one of 2 or 3 other EPA staff on the call, so I'm hoping you'll know the answer.

They told me that AA Idsal had changed her position from August and that the impending rule regarding biogenic carbon will only cover forest biomass resources and related Clean Air Act permitting actions and will no longer address biogenic carbon emitted during the processing of short-cycle annual crops like corn, soybeans, etc. Apparently, though I'm getting it second hand so it could be mistranslated, she referenced a variety of studies which suggest the science on such crops carbon balance/life cycle analysis is uncertain, insufficient or maybe leaning against EPA making a clear determination, particularly not one declaring these crop-related biogenic emissions as de minimis.

Would you be able to point me to those studies or the information she was referencing? There doesn't seem to be much in the literature to indicate that de minimis is off the table.

Thanks, Chris

Christopher Miller, Partner
AJW, Inc.
2200 Wilson Blvd, Suite 310
Arlington, VA 22201-3352

202-296-8086 x112 desk

202-257-8691 cell

Message

Sent: 4/15/2020 3:47:50 PM
To: Koerber, Mike [Koerber.Mike@epa.gov]
CC: Vetter, Cheryl [Vetter.Cheryl@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]
Subject: FW: biogenic carbon

Mike-

From: cmiller@ajw-inc.com <cmiller@ajw-inc.com>
Sent: Wednesday, April 15, 2020 11:44 AM
To: Baker, Sarah <baker.sarah@epa.gov>
Subject: biogenic carbon

Hi Sarah - my client, the Plant Based Products Council/the Corn Refiners Association, asked me to get some information regarding a statement that AA Idsal made during a recent conference call. The client told me that you were one of 2 or 3 other EPA staff on the call, so I'm hoping you'll know the answer.

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202-257-8691 cell

Message

From: Ohrel, Sara [Ohrel.Sara@epa.gov]
Sent: 3/6/2020 3:21:45 PM
To: Baker, Sarah [baker.sarah@epa.gov]
Subject: paper
Attachments: 2013-02-20-lamar and jung.pdf

Sara Bushey Ohrel
Climate Change Division
U.S. Environmental Protection Agency
(202) 343-9712
ohrel.sara@epa.gov

***deliberative

Message

From: Rao, Raj [Rao.Raj@epa.gov]
Sent: 8/26/2019 8:50:29 PM
To: Santiago, Juan [Santiago.Juan@epa.gov]
Subject: NSR Improvements overview Update
Attachments: NSR Improvements Overview Update 8-26-19.docx

Juan, attached is the updated list of projects for David H.

Raj Rao, P.E.
Group Leader, New Source Review Group,
Air Quality Policy Division,
Office of Air Quality Planning and Standards (MD-C504-03)
US Environmental Protection Agency
919-541-5344

Note: Positions or views expressed here do not represent official EPA policy. Interagency
Deliberative and Confidential

Message

From: Rao, Raj [Rao.Raj@epa.gov]
Sent: 4/1/2019 5:35:00 PM
To: Santiago, Juan [Santiago.Juan@epa.gov]
Subject: Revised NSRG Projects Tracker
Attachments: NSRG Project Tracker 040119.docx

Message

From: Rao, Raj [Rao.Raj@epa.gov]
Sent: 4/29/2019 4:06:08 PM
To: Santiago, Juan [Santiago.Juan@epa.gov]
Subject: Revised NSR Project Tracker
Attachments: NSRG Project Tracker 042919.docx

Message

From: Rao, Raj [Rao.Raj@epa.gov]
Sent: 7/2/2019 6:02:22 PM
To: Santiago, Juan [Santiago.Juan@epa.gov]
Subject: Revised tracker
Attachments: NSRG Project Tracker 070219.docx

Message

From: Rao, Raj [Rao.Raj@epa.gov]
Sent: 6/3/2019 5:33:07 PM
To: Santiago, Juan [Santiago.Juan@epa.gov]
Subject: Latest Project Tracker
Attachments: NSRG Project Tracker 060319.docx

Message

From: Rao, Raj [Rao.Raj@epa.gov]
Sent: 4/22/2019 4:58:23 PM
To: Santiago, Juan [Santiago.Juan@epa.gov]
Subject: Latest NSR Projects Tracker
Attachments: NSRG Project Tracker 042219.docx

Message

From: Rao, Raj [Rao.Raj@epa.gov]
Sent: 3/19/2018 10:03:16 PM
To: Santiago, Juan [Santiago.Juan@epa.gov]; Rao, Raj [Rao.Raj@epa.gov]
Attachments: NSR Project Tracker 32018.docx

I plan to use this at the 10 am meeting

Message

From: Rao, Raj [Rao.Raj@epa.gov]
Sent: 3/19/2018 8:10:17 PM
To: Santiago, Juan [Santiago.Juan@epa.gov]
Subject: Revised NSR Projects Tracker
Attachments: NSR Project Tracker 31918.docx

Message

From: Rao, Raj [Rao.Raj@epa.gov]
Sent: 8/27/2018 9:57:25 PM
To: Santiago, Juan [Santiago.Juan@epa.gov]
Subject: Latest NSR Project Tracker
Attachments: NSRG Project Tracker 082718.docx

Raj Rao, P.E.
Group Leader, New Source Review Group,
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Message

From: Rao, Raj [Rao.Raj@epa.gov]
Sent: 10/24/2018 2:16:51 PM
To: Santiago, Juan [Santiago.Juan@epa.gov]
Subject: Revised NSR Project tracker
Attachments: NSRG Project Tracker 102418.docx